



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

TUESDAY

APRIL 19, 2016

7:00 P.M.

• **6:30 pm – Finance & Administration Committee Meeting**

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. April 4, 2016 Meeting Minutes

3. COMMUNICATIONS

- a. Best Western - Fillibuster Lounge– Victualer's License Renewal
- b. Hampden Children's Day Bowl-a-Thon
- c. MMA Loss control visit & analysis
- d. Report from Drumlin Environmental re: Pine Tree Landfill
- e. Findings and Order – Dangerous Building – Map 21 Lot 8

4. REPORTS

- a. Planning & Development Committee Minutes – *March 16, 2016*
- b. Finance & Administration Minutes – *April 4, 2016*
- c. Services Committee Minutes – *March 14, 2016*

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

a. McLaughlin's at the Marina – Liquor license renewal

b. Sewer Ordinance Amendments

**NOTE: The Council will take a 5-minute recess at 8:00 pm.**

- c. Fees Ordinance Amendments
- d. Town Ways Ordinance Amendments
- e. Proposed Street Opening/Utility Ordinance

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Joan Reilly – *Planning Board appointment*

4. UNFINISHED BUSINESS

- a. Update on the RSU 22 Budget Process

5. NEW BUSINESS

- a. Solarize Bangor Presentation – *referral from Planning & Development*
- b. Executive Session – *attorney/client consultations- Pursuant to 1 M.R.S.A. § 405 (6) (E)*

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING

B-2-a

MINUTES

MONDAY

APRIL 4, 2016

7:00 P.M.

*Attending:*

*Mayor David Ryder*

*Councilor Greg Sirois*

*Councilor Ivan McPike*

*Councilor Stephen Wilde*

*Councilor Dennis Marble*

*Councilor Mark Cormier*

*Councilor Terry McAvoy*

*Town Manager Angus Jennings*

*Town Clerk Paula Scott*

*Town Attorney Edmond Bearor*

*Code Enforcement Officer Myles Block*

*Fire Inspector Jason Lundstrom*

*Building Official Jared LeBarnes*

*James Butler*

*Community Dev. Director Dean Bennett*

*Members & Supporters of the*

*Hampden Academy Unified Basketball team*

*Members of the Public*

*Mayor Ryder called the meeting to order at 7:00 p.m.*

- A. **PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Motion by Councilor Marble, seconded by Councilor McAvoy to accept the Consent Agenda. Unanimous vote in favor.*

**1. SIGNATURES**

**2. SECRETARY'S REPORTS**

- a. **March 21, 2016 Meeting Minutes**

**3. COMMUNICATIONS**

- a. **JC's Variety-Victualer's License Renewal**

**4. REPORTS**

- a. **Planning & Development Committee Minutes – 3/2/2016**
- b. **Services Committee Minutes- 2/8/2016**
- c. **Infrastructure Committee Minutes-1/13/2016**

- C. **PUBLIC COMMENTS** - *None*

**NOTE:** The Council will take a 5-minute recess at 8:00 pm.

**D. POLICY AGENDA**

1. **NEWS, PRESENTATIONS & AWARDS** – *Mayor Ryder presented a proclamation to the Hampden Academy Unified basketball team regarding their winning the 2016 State championship. Zach Ewing spoke on behalf of the team thanking everyone for their support.*

**2. PUBLIC HEARINGS**

- a. **Erickson's Hardware – application for a new Victualer's license-**  
*Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the Victualer's license for Erickson's Hardware. Unanimous vote in favor.*
- b. **Dangerous Building – James Butler – Map 21 Lot 8 -** *At 7:15, Mayor Ryder began the public hearing on the dangerous building by asking Code Enforcement Officer Myles Block to approach the podium to present the case. Mr. Block passed out inspection reports that show inspections that have taken place since the 3/21/16 hearing, per request of the Council. He was accompanied to the podium by Fire Inspector Jason Lundstrom who addressed the Council. He stated that it appears as though there has been some work done, there has been debris cleaned up and some foundation materials removed and it appears as though the house has been jacked up and some blocking materials placed underneath it. He stated that the problems that existed with this property are still there. There is sagging in the roof, the front porch is sagging. What they observed today was some type of orange 4' fence around the north side of the property. It didn't extend all the way around the property, but it looks like it may at some point. Mr. Lundstrom pointed out that even in spite of these changes, it still meets the dangerous building statute. He stated that from their standpoint, there is not much more they can add further; although there have been a few changes made, the building is still as it is and they have no way to gauge how much the work has improved the building. He then asked Council members if they had any questions of them. At this time, Attorney Bearor read the Dangerous Building statute (MRSA Title 17 § 2851) for the benefit of all in attendance.*

<http://legislature.maine.gov/legis/statutes/17/title17sec2851.html>

*At the conclusion of the reading, Attorney Bearor addressed CEO Block and Fire Inspector Lundstrom stating that the threshold question is whether or not, based upon what they have seen and evidence they have presented to the Council, if the building, Mr. Butler's property, is unstable, structurally unsafe, constitutes a fire danger, is unsuitable for the use or occupancy for which it is put, or is otherwise a hazard to health or safety. Inspector Lundstrom answered for the Code Enforcement team by stating that it is their*

belief that the building meets every one of the criteria that was read. He further stated that the code office has reached out to Mr. Butler and informed him that cleaning up the debris and property was fine, but before jacking up a structurally unsound building, they need to have a building permit on file. With the permit comes construction documents. The construction documents are documents from a structural engineer that state what will be done to the building and will be signed off by that engineer to ensure that the building will be safe. Without those construction documents, there is absolutely no way that the building is safe, and it does meet all of those points the attorney read. Councilor Marble asked Mr. Lundstrom if they can comment on the relative safety of the building today as opposed to a week ago. CEO Block answered by saying that he was looking at comparative photos today and as a lay person it appears as though more of the building is starting to collapse in the center. It looks like the porch is sagging in more, but stated that the photos were not totally at the same angle. Inspector Lundstrom added that since the last hearing, there has been an effort in cleaning up the debris around the property, the chimney has been removed, the top of where the chimney had sat on the roof has been flashed so no water will get in, but there is still structural instability. He reiterated that at this point, there is no plan, no definitive way to say that this building is safe and that is what we are here for. This concluded this portion of testimony from CEO Block and Fire Inspector Lundstrom. Mayor Ryder now called Mr. Butler to the podium. Attorney Bearor stated that Mr. Butler may pose questions of our Code Enforcement Officer and Fire Inspector. Mayor Ryder asked Mr. Butler if he wanted to address the Council or code enforcement to which he stated he wanted to ask code enforcement a couple of questions. He said they stated that it appears that he had jacked the building up and he wanted to know what they were basing that on. The Fire Inspector replied that it was from the photographs and the way the blocking and cribbing was stacked under the building; that comparing it, they felt that there was no way to have done that without jacking the building. Mr. Butler asked if they remembered his conversation in which he had told them that he was going to secure his building and put cribbing under it. Mr. Butler said, (still addressing the code office team) that they told him it was ok to do that but not to jack the structure and if he did he needed a structural engineer to ok it. All parties agreed to that conversation. Mr. Butler then stated that he did not jack the building, but he did put cribbing underneath it. He turned to the Council to update them and state that the Code Officer was accurate in that he did take the chimney down. He also confirmed putting up a 6' fence completely around the property and clarified that it is not a snow fence. He said it is an OSHA approved fence for securing job sites that comes in 4' widths and that he doubled it because the Fire Inspector wanted a 6' fence. He said he checked

with Code Enforcement to find out if he needed a permit and was told he did not for 6' and under. He said that this fence is not just around the house, it is around the whole property and all the debris. He stated that he asked the Code Enforcement officer if he needed a permit to clean up the debris and was told he didn't need one for that but he would need a permit if he was going to do any repairs to the property. He told the Council that he was not doing repairs, he was cleaning up and securing the property. He remarked that he was kind of in an odd situation because he is being asked what he has done to secure his property but he can't do anything without a permit. He then told the Council that what he has done so far is to put up a 6' fence that has posts every 7 or 8 feet, he has put up no trespassing signs across the front, the chimney is down. He also went in and took out all the debris and concrete from underneath the foundation. He said the house is sitting on its foundation on two ends and the walls in the back are on its original piers. Mr. Butler told the Council that he had many pictures of the house, that it is straight, it is square but that unfortunately for him, the property owner, the one wall you can see driving by is that front wall. He stated that the porch is tipping because it has its own foundation and piers out front. He stated again how he is trying to secure his property but is limited because he needs a permit first. He said he has gone in under the building and removed the old concrete. He has dug down, hand dug, and put 12" of crushed stone in and cribbed it up with 8 X 10 cribbing, and secured it. He said it was "ready to go", that all he needs is that permit and that if he had it, he could have it jacked up in an hour. He said it is definitely secure. He then stated that he would have a permit tomorrow; that applying for a permit and spending the money on a permit is not the problem, the problem is that the Fire Inspector wants him to spend the money on a structural engineer to jack up that wall. He then said if that's what has to be done, he is not opposed to it. He said it is a perfectly good house, that unfortunately Mother Nature affected it. He said there is no rebar in the foundation, it is a hand poured foundation from back in the 20's, maybe 30's. He said he does intend to go forward with a permit and passed out pictures for the Council to look at. Manager Jennings asked Councilor McAvoy to retain them afterwards so that the Town will be able to get a copy of them as a part of the official record. Mr. Butler stated he also had digital pictures he could send and that he did not have a color printer. Mayor Ryder asked if there were any other questions. Councilor Sirois asked Mr. Butler when it was first communicated to him that he needed a structural engineer. Mr. Butler stated that "he" (nodding his head toward the Code Enforcement team) communicated that to him, in early October. He said he was approached by the Code officer who asked him what he was going to do with the building. Butler stated that he told him he was not going to do anything because winter was coming on. Mr.

Butler then said he was told that he had to put up a fence and take care of the chimney. Mr. Butler said he assumed that a fence was going to be fairly expensive and he told the CEO he would rather put the money toward jacking up the building. Mr. Butler stated that at that time he was told that was fine, that he would need to come in and get a permit but that he would also need a structural engineer on jacking up the building. Mr. Butler then told the Council that he has spoken to two people that jack up buildings and was told that this is a new thing and they had never heard of needing a structural engineer to jack up a house. Mr. Butler said again that it was really only that one front wall that is the key. He said as soon as he is issued a permit it will be jacked up, that the building is stable, it has cribbing under all the beams, it is inside the right amount so that a trench can be dug and a footer put in, and whatever the code is, whether a 10" wall with rebar, he would do it. Mayor Ryder posed a question to either CEO Block or Inspector Lundstrom, asking if he was correct in believing that the reason for the structural engineer was not for the jacking of the building but more for the support that is to go under it to hold the building. Inspector Lundstrom answered by saying that the code that the Town of Hampden is under follows Empirical Construction which starts with the foundation and works its way up to the roof. He stated that whether the front wall is there or not, and we could all agree to disagree, that the foundation is dilapidated and it has effected the entire structure. This means that it is not just the foundation, but as can be seen in the pictures, the window sashes are skewed, the roofline is sagging. Mr. Lundstrom further clarified that the structural engineer was not going to advise how to jack up the house, but how to stabilize the structure. Councilor Marble posed a question by paraphrasing the steps involved to make sure his understanding was clear. He asked if the first step was in obtaining a permit, and then getting the opinion of a structural engineer. This was confirmed by the Code Enforcement team. Councilor Marble then asked if the Town would sign off on a permit without this engineer's report. Inspector Lundstrom explained that the requirement for the engineer is a protection for the Town because the permit would say what Mr. Butler wants to do, the construction documents and the report of the engineer would say how it could be done. He stated that this building is a two family house and that there could be the potential for two families in there. A structural engineer is going to evaluate that. Councilor Marble then asked Attorney Bearor if Mr. Butler were to jack the building and do further work there and someone got hurt, would the town be liable. Mr. Bearor said no, that the Town has made it clear to Mr. Butler that he needs these permits and engineer. Mr. Bearor said what the Town hasn't done yet is to issue a stop work order which could plainly be done. He said that in candid conversations last week, we did not want to preclude Mr. Butler the opportunity to fix a problem

before he came back to the Council as we had previously agreed he would for April 4<sup>th</sup>, but he would strongly suggest that we would in fact issue a stop work order until a permit has been issued for this project. Mr. Bearor further stated that even if we did not issue the order, it would not rise to the level of negligence but stated that at this point we would be duty bound to issue the stop work order. Mayor Ryder recognized Councilor McAvoy who asked of the Code Enforcement officer if the permit that is required now differed from one that would bring it up to code. CEO Block answered by saying that the code this falls under is the International Residential Code that states that any owner or authorized person that attempts to enlarge, construct, alter or repair, move, demolish or change the occupancy shall get a permit from the building official. This code further states that when special conditions exist, the building official can require additional construction documents by licensed professionals. CEO Block stated that this situation is at that level to require the construction documents and to rely upon the expertise of an engineer. Mayor Ryder recognized Councilor McPike who began by telling Mr. Butler he appreciated the effort he has put in on this, but stated his concern is the time frame. This process was started in the fall and now it is April and since the requirement for a structural engineer is a part of it, what does he see for a time period in getting this accomplished. Mr. Butler stated it would be within the next 30 days indicating that the Code Enforcement Officer told him that upon receipt of an application he can take up to 30 days to issue a permit. Mr. Butler stated that he can do the permit quickly, but because he has to get a structural engineer to jack up the building, now he is waiting on someone else. Councilor McPike asked if he had spoken to a structural engineer to which Mr. Butler replied that he had. He further stated that this process is not standard stuff. Fire Inspector Lundstrom was recognized and clarified to the Council that although Mr. Butler stated he could have the building jacked up without an engineer, the State of Maine requires no kind of license for building contractors. The code allows for the requirement for someone with a professional background to sign off on this to ensure that the building is safe and that is what the code office is looking for. Councilor McPike then stated that he would like a little more definitive time frame and asked Mr. Butler if, since he has spoken to a structural engineer, he knew when he would be receiving the plans. Councilor McPike stated that this whole thing has been dragged out for a while and would like to know how soon he would have something concrete that would allow him to then apply for a permit. Mr. Butler replied that actually this was the first time he had been involved in a meeting about the building except for the last one when he asked for the extension. He stated that in the fall CEO Block had told him he would no longer be hearing from him because it was out of his hands. He said that then the winter months came and there had been meetings



with the Council and committees that he was not a part of up until last meeting. He said there had not been any side stepping on his part. He then told the Council that he could do this within 30 days, and that if he didn't have to meet the level of expectation that is being imposed on him, he could have the permit tomorrow. Fire Inspector Lundstrom clarified to the Council that upon receipt of the application, as long as all the information is there, the permit could be issued within 14 days. Mr. Butler wanted to make sure that the 14 days from the code office was not a part of his 30 days. Mayor Ryder restated for all present that Mr. Butler was saying he could have everything he needed from the engineer and for the permit in 30 days. If it takes code enforcement another 14 days then so be it. Manager Jennings stated that this would also not take into account the time it would take to actually complete the work once the permit is issued. He then posed a clarification question to determine if the end result of the permit is to get the building to where it is structurally safe, or if it is to get the building to where an occupancy permit can be issued. CEO Block stated that either a certificate of compliance or a certificate of occupancy could be issued depending on the work done. Mayor Ryder recognized Councilor Wilde who asked if there was any reason to expect that the permit would take 14 days to issue if Mr. Butler had the whole package together. CEO Block replied that it would depend upon the volume of permit requests coming in at that time. Inspector Lundstrom also stated that as long as the application was complete when it came in, there is no reason to think that it could not be issued sooner. Councilor Wilde asked Mr. Butler if he had everything he needed, a checklist from the code office to make sure that he met the requirements. Mr. Butler replied that he did, that he was given a packet of information from CEO Block and also stated that CEO Block has been very helpful and always returns his calls when he has questions. Councilor Wilde stated that although some contractors may think that this is a lot to require, it is the fact that the foundation was already gone that we need to assure the proper steps. The structural engineer will make sure that the building doesn't come down on anyone when the work is started. Councilor Sirois was recognized who summarized that there are two things that need to be done. The first is that the permit has to be acquired with the engineer's recommendation to firm it up. The second thing is to firm up the building. He then asked if the 30 days was to simply obtain the permit, or if it was to do what the engineer recommends. Mr. Butler interjected and said that he is asking for 30 days to get the permit and obtain the report from the engineer, and then it would be up to 14 days before the permit is issued, and then he would be able to begin the work on the building. He said he would just need to know how long the permit was good for, if it was issued for 6 months or a year. CEO Block informed the Council that a typical permit is good for 6 months but that in a

consent agreement such as this, they could set their own timeline for completion. Councilor Sirois stated that he would like to see the Council establish a specific time line so that this situation is not still being discussed this fall as the past track record has demonstrated. Councilor Marble asked Mr. Butler what he would do if the permitting process and engineer's report indicated more work than he was anticipating. Mr. Butler acknowledged that he feels that some of what the engineer may require is an unknown. Councilor Marble stated that the Council will have to build in some steps and requisites for completion along the time line. He also stated that the stop work order needs to be issued in the interim. Councilor McPike stated that it would also be a protection for Mr. Butler in that he would not want to see Mr. Butler spending time and money on work that may need to be redone after the engineer does the report. Mayor Ryder recognized Councilor Cormier who stated that the agenda indicated that the decision to be made tonight is whether the building is deemed or is not deemed a dangerous building. He further stated that he would like to understand what deeming it a dangerous building would force the town to do. Attorney Bearor addressed the Council and informed them that they were proceeding under the Dangerous Building statute, if based upon the evidence in front of them, and the testimony they have heard from the three witnesses if the structure of the building owned by Mr. Butler at 758 Main Rd. North is unsafe, or unstable, or is a danger to public health and safety, then they would find that it is and their decision would be backed up with the reason for the decision. The Town might say it is because of a lack of a proper foundation, or because of the condition of the front wall, or the sagging of the roof; anything that would suggest that it is an unsafe building. Mr. Bearor said that the Council would have options at that point, such as making necessary all of what has been discussed tonight and requirements for Mr. Butler to obtain the necessary permits within a certain period of time. The time period is very important because the statute that this falls under says when that time passes, whatever that time is, that if the owner does not bring the building into compliance the Council has the authority to declare it a nuisance and to abate it, at the town's expense. A lien could then be placed against the property so that the town could recover its expenses. This means that the end game is that either Mr. Butler will need to bring the building into compliance or the town will have to take action. Councilor Cormier clarified that the first step would be to deem it a dangerous building, and then talk about what has been talked about all night. Attorney Bearor stated that his understanding is that evidence and testimony was to be presented in front of the Council and the Council was to make the determination that it either is or is not a dangerous building. If it is a dangerous building, it would be incumbent upon the Council to either order it to be fixed, or not. Mayor Ryder asked if there were any other

questions or comments and Mr. Butler stated that he wanted to say that he secured his building and it was not a dangerous building. After asking if there was any public comment, Mayor Ryder asked what the pleasure of the Council was. **Councilor McAvoy made a motion that the Town Council deem the building at 758 Main Rd North a dangerous building pursuant to 17 M.R.S.A. §2851 and to allow Mr. Butler 30 days to apply for the appropriate permit related to stabilizing the building such that it is no longer a dangerous building within 60 days of issuance of the permit. Motion was seconded by Councilor Marble.** Mayor Ryder called for discussion after the motion. Councilor Sirois asked for clarification on the intent of the motion to which Councilor McAvoy stated that the 60 days would be to get it to where it was no longer a dangerous building. He said the rest would be for code enforcement to work out with Mr. Butler on getting it habitable. Mr. Butler objected to this stating that it might be a problem if the engineer comes back with something that could not be completed in 60 days. Councilor McPike stated he agreed with the motion but is concerned that the 60 day time frame may not give enough time to make the building stable. Inspector Lundstrom stated that the engineer may want to do his own inspections on the progress if he is stamping the recommendation. Mayor Ryder stated that he also agreed with the motion but not the 60 day time frame, stating this is the construction season and if this building has to have a new foundation under it, those contractors are booked solid. Mayor Ryder doesn't want to hold Mr. Butler responsible for not being able to get a contractor there within the 60 day time frame. Councilor McAvoy said his intent was making a time line and wasn't tied just to the 60 days, it could be 90 or 120 or whatever the Council decided. Mr. Butler asked to speak, and implied that it was the location of the house, being close to the road that is at issue and if it was on a back road it would be different. He stated that he is sure this is not the only house in Hampden with a sagging roof. He recapped one more time that he had secured the property by putting up the fence, removing the chimney and cribbing under the house. He stated he was following what the code office indicated he needed to do to secure the property for the safety of the public, both in trying to keep people out and also in the house itself so it wouldn't fall in. Mr. Butler stated that he was not looking to have the town deem his property unsafe. Councilor Marble stated that he would like to offer an amendment that would support the original motion in finding the building dangerous and would require the 60 day permit period or if necessary because of construction, a period for completion mutually agreed upon between the Council and Mr. Butler. Councilor McAvoy the presenter of the original motion and Councilor Marble who seconded the original motion both indicated they would agree to amend the motion, however, Council McAvoy stated that he felt the

*mutually agreed upon time frame should be between the property owner and the code office. Attorney Bearor clarified that sentiment. Councilor McPike stated that he felt as though the original 30 days to apply for a permit and then up to 14 days to issue the permit should stand, but is afraid that once things get going, there may be structural issues that may put Mr. Butler in a bind with a 60 day time frame. Councilor Marble stated that his intent on asking for an amendment to the original motion was to be sensitive to that very issue. Mr. Butler objected to the finding of the building as a danger and requested being able to have a structural engineer look at the building first to determine its safety before they deem it dangerous. He stated that he didn't want to have to rely solely on the observation of the Code Enforcement officer when an engineer would probably support his side of it. Attorney Bearor interjected at this point and addressed Mr. Butler, reminding him that the proceeding was a hearing. He reminded him that he could have brought a structural engineer to tell the Council what he wants them to believe. He further stated that the word "secure" or "securing the property" do not appear anywhere in the dangerous building statute, that it was actually a pretty straight forward statute. He said we are talking about the structure itself, whether or not it is unsafe or unstable and not whether or not kids could crawl in to the property. He informed Mr. Butler that it is what the Council thinks that matters, not what he thinks or what code enforcement thinks. It is what the Council decides after hearing all of the evidence. He stated that it was very generous of the Council to continue to accept comments from both Mr. Butler and Town staff when they are deliberating. He informed Mr. Butler that the Council was going to make a decision, and if he didn't like that decision, he could appeal it to the court. Mayor Ryder called for action on the motion and asked that the amended motion be explained for clarity.*

**Councilor McAvoy made an amended motion that the Town Council deem the building at 758 Main Rd North a dangerous building pursuant to 17 M.R.S.A. §2851 and to allow Mr. Butler 30 days to apply for the appropriate permit related to stabilizing the building such that it is no longer a dangerous building within 60 days of issuance of the permit or for a period of time longer than 60 days if it is mutually agreeable between Mr. Butler, the structural engineer and the code office. Councilor Marble seconded the amended motion. Councilors McAvoy, Cormier, Marble, Wilde, McPike and Ryder voted in favor of the motion. Councilor Sirois voted in opposition. Motion carries.** Attorney Bearor advised Mr. Butler that the Council decision has been announced and that the 30 day period begins now. He also informed the Council that he would work with the Clerk and Manager in the wording of the Findings of Fact and Stop Work Order which will be issued on April 5th. Attorney Bearor also noted that the 30 day appeal

period will coincide with the permit period. Councilor Sirois also requested updates every 30 days. Manager Jennings stated that he would like to discuss with Attorney Bearor as to whether or not if this has to come back to Council because of non-completion in the time line or a hypothetical situation like that, if it would require a new notice and posting. Attorney Bearor stated that it did not require further action of that nature just to inform the Council. This concluded the dangerous building public hearing at 8:10 p.m. and Mayor Ryder announced a 5 minute break.

- a. **Zoning Ordinance Amendments- Article 4.6 –referral from Planning Board** – Mayor Ryder asked Community Development Director Dean Bennett to come to the podium to explain the recommendations. Mr. Bennett gave the background of the requirement in the Subdivision Ordinance that required set aside land for open space and recreation. Results of this created portions of land in town that could not be used, such as wet lands. Discussions began in 2014 to scale this back to include a provision to exempt minor subdivisions. In the beginning of 2016, there was an effort to repeal Section 540 of the Subdivision Ordinance, next on the agenda, but included in that repeal is the paragraph 4.6 in the Zoning Ordinance that deals with cluster housing. Mr. Bennett further clarified that this would repeal the mandatory requirement for open space. Councilor McPike made a motion to repeal Article 4.6 of the Zoning Ordinance, and to also repeal the correct Sections 540 – 545 of the Subdivision Ordinance. Seconded by Councilor McAvoy. Unanimous vote in favor.
- b. **Subdivision Amendments – Sections 540-554- referral from Planning Board** – This agenda item was voted in a block with item D.2.a, Zoning Ordinance Amendments. Unanimous vote in favor.

### 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Appointment of Election Clerks – Pursuant to 21-A, §503(2)**  
In reading the list of Election clerks up for appointment, Mayor Ryder corrected the district for Lisa Carter as district 4 not district 5. Councilor Wilde made a motion to appoint, with the correction, the list of election clerks. Seconded by Terry McAvoy. Unanimous vote in favor.

### 4. UNFINISHED BUSINESS

- a. **Sewer Ordinance Amendment – refer to Public Hearing**
- b. **Fees Ordinance Amendment – refer to Public Hearing**

- c. **Town Ways Ordinance Amendment – refer to Public Hearing**  
*Councilor Wilde made a motion to send all items to public hearing. Councilor McAvoy asked for clarification on the need for a formal vote. The Town clerk stated that meeting protocol dictates that any Councilor can introduce an item for public hearing without the need for a formal vote. Councilor Wilde restated his motion and thus made a referral to public hearing for all above ordinance amendments with no objection.*

## 5. NEW BUSINESS

- a. **Council Action on Alewife Fishing Rights – Councilor McPike**  
*made a motion for the Town of Hampden to retain fishing rights, seconded by Councilor Marble. Unanimous vote in favor.*
- b. **Orient Avenue Apartments Snow Plowing and Storage Easement – Councilor Marble**  
*made a motion to accept the Orient Avenue Apartments Snow Plowing and Storage Easement, seconded by Councilor Wilde. Unanimous vote in favor.*
- c. **Proposed Street Opening/Utility Ordinance – refer to Public Hearing – Councilor Sirois**  
*made the referral to public hearing with no objection.*
- d. **Penobscot Temperature Controls, Inc. – referral from Finance & Administration Committee – Councilor Sirois**  
*made a motion to pay Penobscot Temperature Controls, Inc. for work performed on the boiler in the amount of \$2,317.27 out of the municipal building reserve account, seconded by Councilor Wilde. Unanimous vote in favor.*
- e. **Culvert Policy – Referral from Infrastructure Committee – Councilor Marble**  
*made a motion to accept the Culver Policy as written, seconded by Councilor Wilde. Unanimous vote in favor.*
- f. **Request authorization to transfer funds from the Personnel Reserve Account to reimburse personnel line items (Administration, Public Works) for FY16 retirement pay-outs – Councilor Sirois**  
*made a motion to authorize the transfer of funds from the Personnel Reserve Account to reimburse personnel line items in Administration and Public Works for retirement pay outs, seconded by Councilor Wilde. Unanimous vote in favor.*
- g. **Proposed 2016-2017 RSU #22 District Budget – Manager Jennings**  
*made the Council aware that the Budget Committee of RSU 22 held an initial hearing on March 29<sup>th</sup> which was continued until April 14<sup>th</sup>. Material presented in the packet will be discussed. If there is no public attendance, the RSU may close budget talks so it is imperative for all members of the public to attend. Councilor Marble requested clarification of the ruling on a quorum of Councilors in attendance at the same time and whether or not it constitutes a meeting. Attorney Bearor stated that if 3 or more are in*

*attendance at the same place and not discussing town business, it is not considered a meeting. If 3 or more are in attendance at the same place discussing town business, it is considered a meeting and notice would be required. Town clerk confirmed the method of notification would need to remain consistent with the normal notice process.*

**E. COMMITTEE REPORTS**

**Services Committee** – Councilor McAvoy stated that there was nothing to report. The next Services Committee meeting is scheduled for April 11<sup>th</sup>.

**Infrastructure Committee** – Councilor Marble reported that at the last meeting discussions involved the monitoring of the landfill and the forthcoming environmental report, the meeting with Casella at the landfill site and the presentation by Karen Marysdaughter on the Solarize Bangor Initiative which has potential for savings for Hampden residents. The committee agreed to support this initiative and place information on the town's website. To be discussed further at the next Planning & Development meeting. The next Infrastructure Committee meeting is scheduled for April 25<sup>th</sup>.

**Planning & Development Committee** – Councilor McPike reported that this committee has not met since the last Council meeting but the next one is Wednesday the 13<sup>th</sup> at 6:00.

**Finance & Administration** – Councilor Sirois reported that two of the four items discussed in committee were discussed tonight at Council, the transfer of funds from the personnel reserve account as well as the payment to Penobscot Temperature Controls. Other discussions involved the evaluation of the Town Manager as well as the reorganization of the Planning Department.

- F. MANAGER'S REPORT** – Manager Jennings reported that budget preparation for FY17 has begun. He has sent budget sheets to all department heads with a due date back to him of Thursday. He is also in beginning preparation for the spring Hampden Highlights newsletter in which budget workshops will be announced.

**G. COUNCILORS' COMMENTS**

Councilor Sirois – no comment

Councilor McPike –no comment

Councilor Wilde – no comment

Councilor Marble – Echoed Councilor Cormier's comment from last meeting that the public should avail themselves to these public meetings and absolutely should attend the budget meetings for the RSU

Councilor Cormier – no comment

Councilor McAvoy – no comment. Inquired of the Manager as to whether budget hearings would be in committee or at Council level. Manager Jennings stated that the hearings would be at the Council, but that does not preclude some discussion to be held within appropriate committee. Councilor McAvoy then reminded the public to shop local and buy American.

*Mayor Ryder – Closing comments are that he wanted to touch on the 6 month evaluation of Manager Jennings. Councilors are very pleased with his work, he has been doing an excellent job and is looking out for the best interests of the Town and we are lucky to have him.*

- H. ADJOURNMENT** – *At 8:45 p.m., Councilor Cormier made a motion to adjourn, seconded by Councilor Sirois. Unanimous vote in favor.*

Respectfully Submitted,



Paula A. Scott  
Town Clerk



Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: info@hampdenmaine.gov

April 6, 2016

Best Western  
Fillibuster Lounge  
Attn: Lee Ann Haws  
155 Littlefield Ave.  
Hampden, Me. 04444

Dear Lee Ann:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

*Paula A. Scott*

Paula A. Scott. CCM  
Town

Encl

### VICTUALER'S LICENSE CERTIFICATE

No. 16-10

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: April 6, 2016

KNOW YE, that Best Western,

doing business as Fillibuster Lounge has  
been duly licensed as a Victualer at 155 Littlefield Ave in the  
Municipality of Hampden by said Municipality until March 31, 2017, and  
has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00)

*Melody B. Blou*  
Authorized Municipal Officer

CODE ENFORCEMENT OFFICER



# HAMPDEN CHILDREN'S DAY BOWL-A-THON

Saturday, May 14, 2016

Family Fun Bowling Center  
15 Hildreth St., Bangor

Please join community members and area businesses in supporting the **37th** annual Hampden Children's Day at this year's Bowl-A-Thon. Registration is at 11:30, and games begin at 12:00 noon with 3 games per team.

Play for donations with a minimum of \$25.00 in pledges, per player, or \$100.00 per team. **ANY** amount will be greatly appreciated!! Prizes will be given to the highest fund raiser! See the attached pledge sheet.

**\*\*\* AWARDS \*\*\* PRIZES \*\*\* LOTS OF FUN!! \*\*\***

TEAM NAME OR ORGANIZATION: \_\_\_\_\_

TEAM CAPTAIN: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_ 4 Players per team.

Could you bowl a later set if we have more teams than available lanes? Yes \_\_\_ No \_\_\_

**REGISTER YOUR TEAM OR DONATE TODAY!!** Registration Deadline: May 1st

Hampden Children's Day  
P. O. Box 322  
Hampden, Maine 04444

Make Checks Payable to:  
Hampden Children's Day

For More Information Call: Kurt Mathies @ 991-3214

Friend us on Facebook! [www.facebook.com/HampdenChildrensDayMaine](http://www.facebook.com/HampdenChildrensDayMaine)

**THIS YEARS CHILDREN'S DAY WILL BE HELD ON SATURDAY, AUGUST 20, 2016**



### Hampden Children's Day Bowl-A-Thon Pledge Sheet

12:00 noon Saturday, May 14, 2016 Family Fun Bowling Center, 15 Hildreth Street, Bangor

TEAM NAME: \_\_\_\_\_ BOWLER NAME: \_\_\_\_\_

NAME	ADDRESS	PHONE	AMOUNT PLEDGED	AMOUNT COLLECTED

*Thank You!!*

TOTAL COLLECTED \$ \_\_\_\_\_

Registration will begin at 11:30. Please make as many copies as needed.

The Hampden Children's Day celebration will be held on Saturday, August 20, 2016


**MAINE MUNICIPAL ASSOCIATION**
**Risk Management Services**

60 Community Drive  
PO Box 9109  
Augusta, Maine 04332-9109

**Telephone No.**  
(207) 626-5583  
(800) 590-5583 Maine Only  
Fax (207) 626-0513

April 1, 2016

Mr. Angus Jennings, Town Manager  
Town of Hampden  
106 Western Ave.  
Hampden, Maine 04444-1428

**Town of Hampden  
RECEIVED**

**APR 05 2016**

**Office of the  
Town Manager**

RE: Loss Control Visit, 02/29/16

Dear Mr. Jennings:

Thank you for inviting me to meet with you and your department leadership on Monday, February 29.

During our meeting I provided everyone with a four year loss analysis and an explanation of the town's experience modifier and the types of incidents – employee injuries, property damage, and claims involving the general public, where injuries are being reported, which departments are reporting claims and the cost of those claims to the town's budget. I also provided an explanation as to the significance of the town's experience modifier, which is a 0.68 for 2016.

I provided each attendee with a copy of the compliance directives from the Maine Bureau of Labor for each municipal department, including the Town Office, Library, EMS, Fire Department, Public Works, Transfer Station, Recreation, and Law Enforcement. In addition, I provided information on employee training and the frequency of that training based on the written safety policies of the various departments. Finally I provided information on the MMA Safety Enhancement Grant, the Scholarship Grant, and the online training available from MMA / FirstNet Learning.

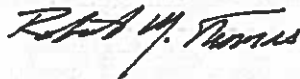
The loss analysis was put together with information from the MMA claims system. The analysis showed the town averages just under eight workers compensation claims per year. Those claims incurred \$21,841 for the analysis period or \$4,368 annually. FYI claims make up 50% of reported claims, 11% of the claims are lost time and the remaining 39% are medical only claims. Frequency of claims went from a low of six in 2015 from a high of 16 in 2013. Severity went from a low of \$0 in 2016, year-to-date from a high of \$13,463 in 2013. The town's experience mod is currently at its low of 0.68 for 2016 from the high of 1.16 in 2013. This information is not intended to point an accusatory finger at any one person or department, but rather to give information to your leadership group that will help them to identify where losses are occurring and the effect of those losses on the Town of Hampden.

The majority of the 21 reported P&C claims incurred \$54,714 from motor vehicle related claims including backing and collisions and law enforcement.

I will contact you in April to schedule my next visit to the Town of Hampden in May. During that visit, I would like to collect current property information on the Lura Hoit Memorial Pool and the other Recreation Department building located at 146 Western Avenue.

I am always available to you as a safety resource for other issues, training or assessments. If you have any questions, contact me by e-mail at [rthomas@memun.org](mailto:rthomas@memun.org) or by telephone, toll free at 1-800-590-5583, extension 2243, or direct dial at 624-0143.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Thomas", written in a cursive style.

Robert M. Thomas  
Sr. Loss Control Consultant  
Enclosure: Loss Analysis

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
Department						
Administration	0	1	0	1	0	2
Cemetery Operation	0	1	0	0	0	1
Fire	2	8	1	1	0	12
Law Enforcement	2	1	4	0	0	7
Parks & Rec	2	2	2	0	0	6
Public Works	1	3	2	3	0	9
Transfer Station	0	0	0	1	0	1
<b>Total Claims</b>	<b>7</b>	<b>16</b>	<b>9</b>	<b>6</b>	<b>0</b>	<b>38</b>
<b>Total Cost</b>	<b>\$673.00</b>	<b>\$13,463.00</b>	<b>\$2,515.00</b>	<b>\$5,190.00</b>	<b>\$0.00</b>	<b>\$21,841.00</b>
Type of Claim						
FYI	5	9	3	2	0	19
Lost Time	0	3	1	0	0	4
Medical Only	2	4	5	4	0	15
Experience Mod	2012	2013	2014	2015	2016	
	1.03	1.16	1.02	0.87	0.68	

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Administration	0	1	0	1	0	2
<b>Total Cost</b>	\$0.00	\$0.00	\$0.00	\$3,333.00	\$0.00	\$3,333.00
<b>Type of Claim</b>						
FYI	0	1	0	0	0	1
Medical Only	0	0	0	1	0	1
<b>Nature of Claim</b>						
2013						
Insect Bite						
2015						
Motor Vehicle Accident						

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Cemetery Operation	0	1	0	0	0	1
<b>Total Cost</b>	\$0.00	\$1,485.00	\$0.00	\$0.00	\$0.00	\$1,485.00
<b>Type of Claim</b>						
Medical Only	0	1	0	0	0	1
<b>Nature of Claim</b>						
2013						
Pinch Point						



Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Fire	2	8	1	1	0	12
<b>Total Cost</b>	\$349.00	\$2,804.00	\$181.00	\$957.00	\$0.00	\$4,291.00
<b>Type of Claim</b>						
FYI	1	5	0	0	0	6
Lost Time	0	2	0	0	0	2
Medical Only	1	1	1	1	0	4
<b>Nature of Claim</b>						
<b>2012</b>						
Slip, Trip or Fall on Ice						
Burn - Arm						
<b>2013</b>						
Slip, Trip or Fall						
Patient Care						
Debris in Eyes						
Patient Care						
Pinch Point						
Pinch Point						
Body Mechanics						
Debris in Eyes						
<b>2014</b>						
Lifting						
<b>2015</b>						
Lifting						

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Law Enforcement	2	1	4	0	0	7
<b>Total Cost</b>	\$0.00	\$7,523.00	\$822.00	\$0.00	\$0.00	\$8,345.00
<b>Type of Claim</b>						
FYI	2	0	3	0	0	5
Lost Time	0	1	0	0	0	1
Medical Only	0	0	1	0	0	1
<b>Nature of Claim</b>						
2012						
Contact With Suspect						
Contact With Suspect						
2013						
Contact With Suspect						
2014						
Dog Bite						
Slip, Trip or Fall on Ice						
Laceration						
Slip, Trip or Fall on Ice						

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Parks & Recreation	2	2	2	0	0	6
<b>Total Cost</b>	<b>\$324.00</b>	<b>\$0.00</b>	<b>\$764.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,088.00</b>
<b>Type of Claim</b>						
FYI	1	2	0	0	0	3
Lost Time	0	0	1	0	0	1
Medical Only	1	0	1	0	0	2
<b>Nature of Claim</b>						
<b>2012</b>						
Strain - Back						
Strain - Neck						
<b>2013</b>						
Slip, Trip or Fall						
Struck By Dropped Object						
<b>2014</b>						
Pinch Point						
Body Mechanics						

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Public Works	1	3	2	3	0	9
<b>Total Cost</b>	\$0.00	\$1,651.00	\$748.00	\$499.00	\$0.00	\$2,898.00
<b>Type of Claim</b>						
FYI	1	1	0	2	0	4
Medical Only	0	2	2	1	0	5
<b>Nature of Claim</b>						
2012						
Slip, Trip or Fall						
2013						
Slip, Trip or Fall						
Slip, Trip or Fall						
Slip, Trip or Fall						
2014						
Body Mechanics						
Debris in Eyes						
2015						
Bee Sting						
Pinch Point						
Laceration						

Town of Hampden Workers Compensation Claims						
	2012	2013	2014	2015	2016 YTD	Totals
<b>Department</b>						
Transfer Station	0	0	0	1	0	1
<b>Total Cost</b>						
<b>Type of Claim</b>						
Medical Only	0	0	0	1	0	1
<b>Nature of Claim</b>						
2015						
Dog Bite						

Transfer Station

## **Town of Hampden Property & Casualty Claims By Department**

### **Administration**

2012

- 1). Bodily Injury – Slip, Trip or Fall at the Municipal Building caused broken wrist
- 2). Officials Liability – Alleges false statements made in Executive Session

2014

- 1). Bodily Injury – Resident slipped on ice

2015

- 1). Collision – Employee private vehicle involved motor vehicle accident
- 2). Building – Water damage due to ice dam, \$1,969

2016

- 1). Property Damage – Boiler failure

### **Fire Department**

2012

- 1a). Collision – Backing, ambulance struck trees, \$7,161
- 1b). Auto Property – Backing ambulance struck trees, \$400

### **Library**

2014

- 1). Electronic Equipment – Lightning strike, \$5,433

### **Parks & Recreation**

2012

- 1). Bodily Injury – Injury caused by rope hung to prevent parking, \$180

2014

- 1). Bodily Injury – Child fell on playground

### **Police**

2013

- 1). Law Enforcement – Officer involved shooting, \$21,183
- 2). Property Building – Malfunctioning ceiling fan, \$1,800

2014

- 1). Comprehensive – Cruiser hit deer, \$1,815
- 2). Building – Smoke damage from ceiling fan

2016

- 1a). Auto Property – Cruiser hit other vehicle during pursuit
- 1b). Law Enforcement – Cruiser hit other vehicle during pursuit

## **Public Works Department**

2013

- 1). Collision – Backing, drove into ditch, \$11,032

2016

- 1). Property Damage – Sewer backup
- 2). Property Damage – Compactor cylinder damage, \$6,220

## **Transfer Station**

2014

- 1). Bodily Injury – Resident slipped on ice

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**21 total claims incurred \$54,714**

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	<p align="center"><b>Drumlin Environmental, LLC</b>  <i>Hydrogeologic and Engineering Consultants</i></p> <p align="center"><b>Soil Metrics, LLC</b></p>	
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## MEMORANDUM

**To:** Angus West & Hampden Town Council  
**From:** Matt Reynolds & Steve Rabasca  
**Date:** March 15, 2016  
**Subject:** Pine Tree Landfill –Post-Closure Monitoring Review & Update

This memorandum has been prepared to provide the Town with an overview of recent monitoring data and associated corrective actions and post-closure conditions at the Pine Tree Landfill (PTL). The review is based on data provided in the 2014 Annual Report, 2015 water quality data, and 2015 and 2016 memoranda prepared by Richard Heath of the Maine Department of Environmental Protection (MDEP). The 2015 Annual Report has not yet been issued by PTL, so the statistical analysis of 2015 data was not available at the time this review was conducted. However 2015 data were reviewed when available and are reflected in the assessment of site conditions to the extent possible.

The goal of this memorandum is to provide the Town with a general overview of conditions associated with the landfill since closure in 2010. The memorandum does not include detailed graphs and figures, however, we would be glad to prepare these if it would assist the Town and/or address specific questions.

Figure 1-1 from Attachment C of the 2014 Annual Report (prepared by Sevee & Maher Engineers) is attached to this memorandum for reference and shows the configuration of the landfill and location of the monitoring points and other site features.

### **I. Landfill Closure Status**

In accordance with the October 2006 Schedule of Compliance agreed to by the Maine Department of Environmental Protection (MDEP) and the Town of Hampden, PTL completed closure of the landfill in 2010. Since that time, monitoring of water quality, gas, settlement, etc. has continued in accordance with the Environmental Monitoring Plan (EMP) for the site. Landfill gas containing methane has also been collected and used to fuel the Landfill Gas to Energy (GTE) facility constructed in 2007. Additionally, some of the leachate collected by the leachate collection system and groundwater extracted from wells at the perimeter of the landfill is being recirculated into the landfill with the approval of the MDEP.



## II. Corrective Action Summary

Prior to closure, a number of corrective actions were implemented to mitigate impacts from the PTL facility. Corrective actions systems that control and/or mitigate impacts to groundwater and surface water include the following.

- Gas collection systems were installed in the Conventional Landfill and Secure Landfills to collect a portion of the landfill gas generated by decomposition of waste. Both gas collection systems are connected to the GTE plant.
- The Secure landfill liner system functions as a cover for the Conventional Landfill and the cover system for the Secure Landfills was completed in 2010;
- The perimeter drain borders the west, south and east sides of the Conventional Landfill and intercepts some shallow groundwater;
- Six groundwater extraction wells have been installed near the edge of the landfill (shown on Figure 1-1). Wells EW-2R and EW-3R are located adjacent to the southeast corner of the landfill. Wells EW-5R, EW-6R, EW-101 and EW-102 are located adjacent to the northeast corner of the landfill. There is also a perimeter drain (PDPS) located along the perimeter of the Conventional Landfill that intercepts leachate and groundwater. The gallons of leachate and groundwater extracted by these wells and drain during 2013 and 2014 are summarized below.

Year	Northeast (EW-5R, -6R, -101, -102)	South (EW-2R, -3R)	PDPS	Total (gallons)
2013	2,687,000	1,121,000	3,721,000	7,529,000
2014	1,857,000	506,000	3,802,000	6,165,000

- PTL began constructing an active gas collection system along the edge of the landfill in 2009 to collect landfill gas (e.g., methane and carbon dioxide) that was migrating away from the landfill. This external landfill gas (LFG) collection system consists of 6 gas collection wells and a passive gas collection trench. The gas extracted from the collection wells (shown on Figure 1-1) during 2013 and 2014 is summarized below.

Year	PTGW08-1 (MMSCF/Tons)	PTGW08-11 (MMSCF/Tons)	PTGW08-12 (MMSCF/Tons)	PTGW08-13 (MMSCF/Tons)
2013	20.8/218	2.0/17	0.5/2	0.6/4
2014	19.7/220	2.6/22	0.1/0.3	0.4/6

Notes: 1. MMSCF = Million Standard Cubic Feet. Tons = Tons of Methane Extracted

2. Estimate of Tons is Based on Volume Extracted and Percent Methane

3. No Gas Was Extracted from PTGW08-3, -9 During 2013 or 2014 Due to Low Gas & Methane

Based on the water quality data collected at the site, these corrective actions appear to be improving the groundwater quality in certain areas around the landfill.

### III. Water Quality Target Criteria

The MDEP Closure Order identified 5 specific criteria for determining “successful corrective action” at PTL under the MDEP Solid Waste Regulations. These criteria incorporate the state Maximum Exposure Guideline (MEG) values and the federal Maximum Contaminant Level (MCL) and Ambient Water Quality Criteria (AWQC) values.

These criteria are as follows.

- Groundwater Quality on PTL Property:
  - Specific Conductance must be less than 500 umhos/cm
- Groundwater Quality off of PTL Property:
  - Groundwater must be below the applicable MCLs and MEGs;
  - Specific Conductance must be less than 400 umhos/cm
  - Dissolved Methane must be below 700 ug/L
- Surface Water Quality:
  - Surface water quality must existing water quality classification standards

These criteria must be met at the PTL monitoring locations during the 30 year post-closure period in order for the MDEP to determine that corrective actions have been successful. The 30-year post-closure period began in 2010, so it is premature to expect that monitoring locations will meet these criteria currently. However, tracking data against these criteria will allow PTL, the MDEP and the Town to judge whether the existing corrective actions will be sufficient to meet these criteria over time, or whether supplemental corrective actions may be necessary in the future.

### IV. Water Quality Overview

In accordance with the Post-Closure Environmental Monitoring Plan, water quality is monitored two or three times each year at a network of sampling locations around PTL. These monitoring points are located in different regions around the landfill and include groundwater monitoring wells, residential wells and surface water, as summarized in Table 1.

An overview of the data is reflected in Table 1 and discussed below.

Discussion of Water Quality Monitoring. As noted in Table 1, the majority of monitoring locations have improved (i.e., a downward trend) since 2008, although the improvements have generally been gradual.

**Table 1**  
**PTL 2014 & 2015 Water Quality Monitoring Summary**

Monitoring Pt	Analysis <sup>1</sup> (Frequency/yr)	Specific Cond. Range <sup>2</sup> (umhos/cm)	Predominant Trend Since 2008 <sup>3</sup>
<b>South/Southeast</b>			
<b>200*</b>	F, L (3)	472 - 691	Down
641	F, L (3), M (2)	922 - 1,368	Down
<b>MW-906B*</b>	F, L (3), M (2)	451 - 513	Down
MW02-801A	F, L (3), M (2)	>3000	Down
MW02-801B	F (3)	2000 - >3000	None**
MW03-802A	F, L (3), M (2)	612 - 837	Down
MW03-802B	F (3), M (1)	1077 - 1323	Up
MW03-803A	F (3), M (1)	1264 - 1343	Up
MW-03-803B	F, L (3), M (2)	1157 - 1423	Up
<b>West &amp; North</b>			
MW03-804A	F (3)	682 - 845	Down***
P-914A	F, L (3)	683 - 783	Down
P-914B	F (3)	589 - 691	None
516B-B	F, L (3)	981 - 1100	Down
<b>Northeast &amp; East</b>			
MW98-601A	F (2)	>2000	None
MW96-601B	F (2)	476 - 1730	None
<b>MW01-602B*</b>	F (2)	259 - 493	Down
MW97-123	F, L (3)	866 - 1414	None**
509A	F (3)	841 - 1144	None
509B	F, L (3), M (2)	827 - 1120	None
P-911B	F (3)	768 - 959	Down
<b>916*</b>	F, L (3), M (2)	257 - 616	Down
917	F, L (3), M (2)	354 - 1007	Down**
<b>Residential</b>			
<b>DW04-109****</b>	F (3), L (1), M (3)	215 - 793	
DW-103	F (3), L (1), M (3)	409 - 433	
DW-111	F (3), L (1), M (3)	Not Accessible	
<b>Surface Water</b>			
SW-A	F, L (3)	89 - 126	
SW-C	F, L (3)	66 - 145	
SW-D	F, L (3)	197 - 788	
SW-E	F, L (3)	241 - 914	

Notes: 1. Analyses: F=Field Parameters, L=Laboratory Parameters, M= Methane

2. SC Range Reflects 2014 & 2015 Data

3. Trend Identification Reflects Statistical Analysis in 2014 Annual Report and Review by Richard Heath of the MDEP, Independent evaluation was not conducted for this review.

4. Wells in **BOLD\*** are close to or below Corrective Action Criteria.

5. \*\* = Decrease in 2015 Specific Conductance

6. \*\*\* = Increase in 2015 Specific Conductance

7. \*\*\*\* = DW08-109 2015 Specific Conductance was below Off-Site Criteria:400 umho/cm

Comparison to of 2014 & 2015 Data to the Target Criteria

- Groundwater at MW-200 was below the 500 umhos/cm target criteria for all three sampling events during 2014 and one event in 2015. Groundwater at MW-906B and MW-01-602B was below 500 umhos/cm at all sampling events in 2015. Prior to 2013, all groundwater was above the 500 umhos/cm criteria.
- Groundwater at DW09-109 was below the 400 umhos/cm target criteria during the 3 sampling rounds in 2015.
- Groundwater exceeds several MCL and/or MEG values at off-site monitoring points. Compounds that exceed MCL or MEG values include arsenic (at MW-916, MW-917 & DW-103), sodium (DW-103), manganese (MW-916 & MW-917) and iron (MW-917).
- Groundwater was below the 700 ug/L methane target criteria for off-site wells at DW-103, MW-916 and MW-917 in 2014 and 2015. Methane concentrations have been below the 700 ug/L criteria in DW04-109 since the September 2014 sampling event.
- Surface water meets the applicable classification criteria and AWQC standards.

As noted above, there has been a gradual improving trend in specific conductance and related cations and anions in many of the locations included in the monitoring network at the PTL site. There are several locations where significant improvements have been observed as a result of specific actions.

- Groundwater quality improved significantly at MW01-602B near the northeast corner of the landfill after repairs were made to the leachate collection system in this area in 2008 and 2009.
- Groundwater quality related to migration of landfill gas has improved significantly in several wells east of the landfill (e.g. MW-916, MW-917, DW04-109) since PTL began operation of external gas extraction wells, particularly PTGW08-1, in this area.
- The overall trend in water quality at well MW97-123 in the northeast corner of the landfill rose from 2008 through 2011. Since 2012, the specific conductance in MW97-123 has declined from approximately 1700 umhos/cm to a low of 866 umhos/cm in July 2015. In the 2014 Annual Report, Sevee & Maher Engineers suggests that the changed in this well are related to the repair of the leachate collection system in the vicinity of MW01-602 in 2008 and 2009.

There are also several locations noted in Table 1 where the rising trends have been observed. A review of data at these locations is discussed below.

- MW03-802B, -803A, -803B: These monitoring wells are along the south side of the landfill and have generally shown elevated increasing concentrations of specific conductivity and other parameters since the wells were installed in 2003. During 2012, PTL began operation of 2 gas extraction wells PTGW08-12 and -13 in the vicinity of the 802 and 803 wells. In response to the gas extraction, the methane concentrations in these wells have decreased, however the specific conductance have continued to increase. This suggests the potential for leachate migration in this area that is influencing the rising trend in these wells.

Discussion of Arsenic in Groundwater. The 2014 Annual Report identified that the concentration of arsenic exhibited a 3-year increasing trend in 9 of the 12 on-site locations where arsenic is analyzed. The increase was attributed to a combination of factors related to closure (e.g., completing the cover, decreasing recharge to the waste mass, etc.). During 2015, arsenic concentrations continued to increase in 4 wells, decreased in 2 wells and the rest of the wells remained in the same (elevated) range as was measured in 2014.

In response to this trend, the MDEP requested and PTL agreed to conduct a residential well sampling event in 2014 to gather data on the concentration of arsenic off-site wells around the landfill. Twenty-one sampling locations were identified and access was obtained to wells at 14 of these locations. The June 2014 arsenic concentrations were below the detection limit at all off-site wells except DW-103, where the concentration was 0.012 mg/L, slightly above the MCL and MEG concentrations for arsenic of 0.010 mg/L. Arsenic was detected at concentrations below the MCL & MEG at the PTL office well and the well at the Gas to Energy plant.

After reviewing the data, the MDEP concluded that the arsenic sampling program “did not suggest widespread impact of the closed landfill on water quality of the surrounding residential wells included in the investigation”. To provide further confirmation of this initial conclusion, the MDEP requested and PTL agree to include the historically sampled residential wells in the three rounds of sampling planned for 2015. Wells identified as DW-103 and DW04-109 (east), DW-104 (south) and DW-105 (west) were sampled and analyzed for arsenic in April, July and October 2015. The 2015 data were as follows.

- Arsenic was detected in the 0.014 to 0.019 mg/L range in DW-103, which is above the MCL/MEG value of 0.010 mg/L but within the historical range for this well.
- Arsenic was detected in the 3 sampling events in DW04-109 at concentrations of 0.005 to 0.006 mg/L, which is below the MCL/MEG and below concentrations of 0.036 to 0.042 mg/L detected in 2013 and 2014.
- Arsenic was detected in the 3 sampling events in DW-104 at concentrations of 0.005 to 0.007 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.012 mg/L detected in 2010 and 2011.

- Arsenic was detected in July and October in DW-105 at 0.006 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.015 mg/L detected in 2010 and 2011.

The 2014 and 2015 data from off-site residential wells do not appear to indicate that the landfill is causing elevated arsenic concentrations off-site.

Water Quality Monitoring - 2016 to 2020. In March 2016, Sevee & Maher Engineers (SME) on behalf of PTL sent an e-mail to the MDEP with suggested changes to the ongoing Environmental Monitoring Plan (EMP) for 2016 to 2020. The MDEP has not yet provide their review of the requested changes to SME or PTL.

Suggested changes that we believe should be discussed further with PTL and the MDEP include:

- Timing of the 2 sampling events (event #2 in the fall versus the summer);
- Reducing the sampling of dissolved methane to one time per year in monitoring wells;
- Eliminating off-site well DW-111 (which has not be accessible during 2014 and 2015 sampling events) unless this well has been sealed and would not be reused in the future.

## **V. Geotechnical Monitoring**

The geotechnical monitoring program for the landfill is summarized in a report prepared by Dr. Richard Wardwell, PE, who has been involved with the geotechnical monitoring at that site for many years. The observational approach is utilized in the monitoring, based primarily on topographic surveying of the surface and surveying of multiple survey monuments that were embedded in the surface of the landfill cover system. The primary purposes of the geotechnical monitoring are to assess if the internal waste mass and foundation soils are stable, and to assess if the cover system is performing as-designed.

Internal and Waste Mass Stability: The internal and waste mass stability is assessed by an evaluation of the horizontal and vertical deformation of four displacement monuments at the toe of the landfill along the east side. The horizontal and vertical movements measured do not indicate that there are any detrimental large-scale movements occurring that would be indicative of large-scale waste-mass or foundation soil movements. There is a significant amount of scatter in the data, but the overall trends indicate that the foundation soils and waste mass are not undergoing detrimental displacements. There was some settlement measured in three of the four monuments in the last survey date, but there was no unusual horizontal movement associated with this reading. The cause of the settlement is being investigated, but since there was no unusual horizontal movement, these settlement readings were not thought to be related to instabilities. It is also noted that if there were instabilities, the most likely movement would have been heave at these locations, not settle.

**Cover system Monitoring:** The performance of the cover system is also assessed using survey measurements of embedded displacement monitors. Several monuments are installed in each phase of the closure, and horizontal and vertical measurements have been made at least quarterly since those phases were closed. The report includes the plots of horizontal and vertical deformation.

- The horizontal deformation plots for all phases do not indicate any trends that would be indicative of large scale movements that would be detrimental to the cover system integrity. The data are scattered, and some general downslope creep is evident but this is expected given the overall large deformation of the waste mass due to secondary settlement.
- The vertical displacement plots all indicate that the rate settlement is diminishing with time. This is also expected especially since waste loading has stopped and the landfill is now covered. These vertical displacement plots are also used to calculate strain that has likely occurred in the liner. Excessive strain could result in a rupture of the primary geomembrane liner, therefore these periodic assessments of liner strain are important to demonstrate that the movements that are occurring are within those originally predicted during the design phase. The strain calculations are summarized in a table and indicate that the likely strain incurred to date is well within the allowable strain for this type of membrane. The current rate of strain is also extrapolated over the 30 year closure period and those extrapolations are also well within the allowable strain for the liner.

**Topographic and Drainage Swale Surveying:** Topographic surveying of the landfill is also performed on a regular basis. The results of these surveys do not show any unusual features on the topographic surface that would indicate large scale movements. The drainage ditch invert elevations were recently surveyed for baseline elevations. These surveys indicate that overall the drainage swales are draining in a positive direction and shedding surface and water that has infiltrated through the surficial cover soils. The survey did show some localized low spots, which are highlighted for surveillance and if necessary, remedial repairs in the future to restore positive drainage. One additional point that was not indicated, is that the overall side slopes of the landfill are becoming flatter. The side slopes were designed originally at a 2.5H:1V slope angle. As the waste mass consolidates, these side slopes have gradually flattened and will continue to flatten. The flatter slopes will result in an overall increase in the factor of safety from that calculated after construction, provided the drainage system in the cover system remains functional as-designed.

## VI. Closing

Overall, the water quality monitoring data from PTL reflected in the 2014 Annual Report and 2015 data indicates that there has been gradual improvement at many monitoring locations. There are several on-site locations that are close to or meet the corrective action criteria, compared to 2013 when no locations met these criteria. However, groundwater in several wells south and southwest of the landfill has exhibited increasing concentration trends.

Operation of the corrective action systems (groundwater extraction and external gas extraction) should be continued to maintain the improvement and PTL should be encouraged to look for opportunities to improve and enhance the correction action systems to accelerate the rate of improvement in the future.

The geotechnical monitoring at the landfill indicates that the cover system is performing as designed, and that there are no indications of large-scale waste mass or foundation instabilities.

We hope that the information summarized in this memorandum is helpful to the Town. If there are any questions or a more detailed review would be appropriate, please give me a call at your convenience.



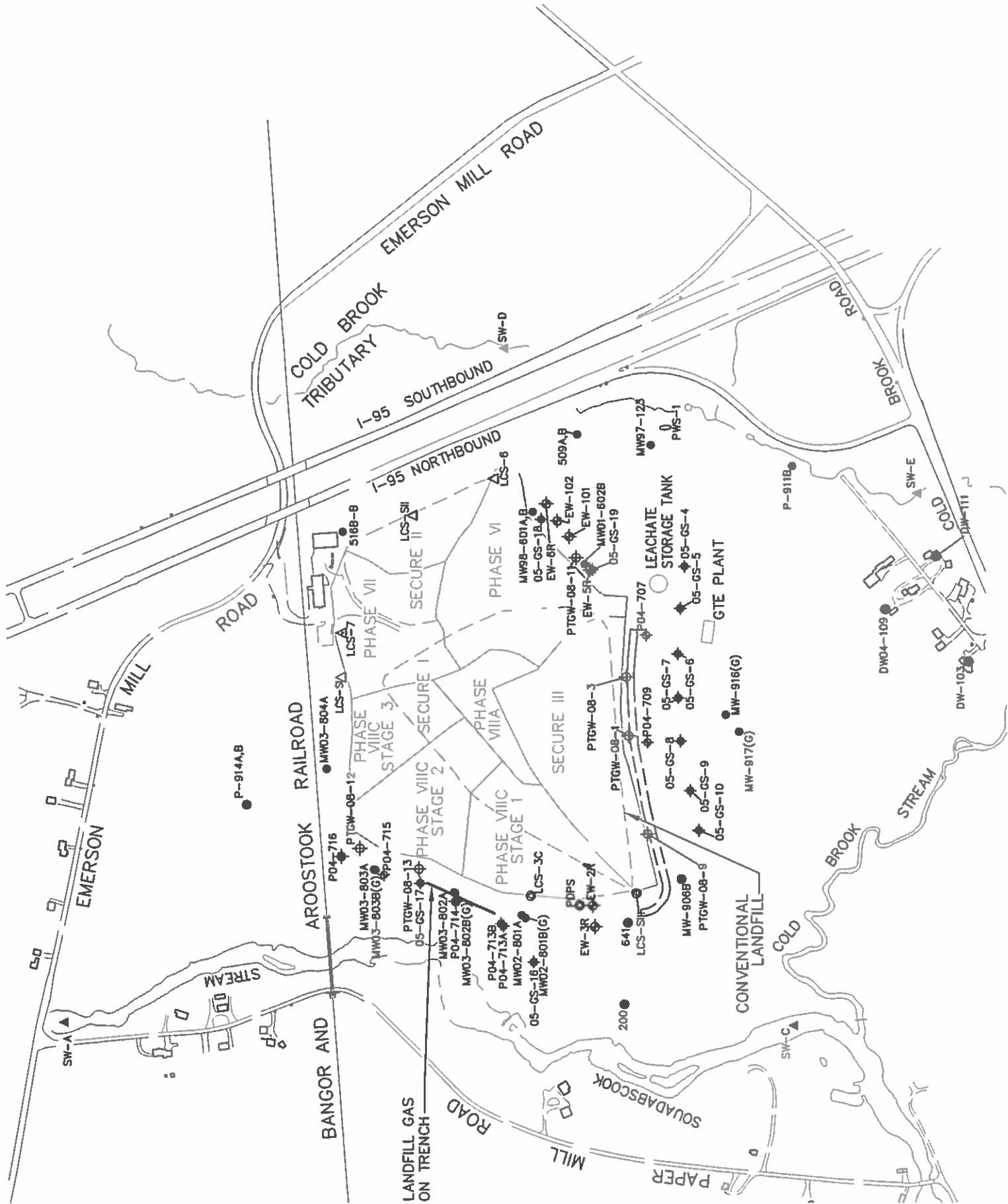
# LEGEND

- GROUNDWATER RESIDENTIAL
- ▲ SURFACE WATER MONITORING
- ◆ GAS EXTRACT
- ◆ GROUNDWATER LEACHATE MC
- PORE WATER
- ◆ SURFICIAL GA
- (c) GROUNDWATER MONITORED



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HAMF

**SME**  
Sevee & Maher E



## **FINDINGS AND ORDER**

### **Pursuant to 17 M.R.S.A. §§ 2851-2859 DANGEROUS BUILDINGS**

**TO: James W. Butler, Jr., 691 Main Road North, Hampden, Maine, 04444.**

On April 4, 2016 at 7:00 pm. at the Town of Hampden Municipal Building, Town Council Chambers, the Municipal Officers of the Town of Hampden, Maine held a hearing to determine whether the building/structure owned by you and located on land owned by James W. Butler, Jr., described as **758 Main Road North, Hampden, Maine and shown on Map 21, Lot 008**, of the current Tax Maps of the City of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Department at 106 Western Avenue, Hampden, Maine, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of said hearing was duly served on said owner and all parties in interest on March 10, 2016. On March 21, 2016 at James W. Butler, Jr.'s request, the Council continued the matter to afford Mr. Butler additional time to assess the gravity of this proceeding. The following persons were present and testified:

**Myles Block, Code Enforcement Officer, Jason Lundstrom, Fire Inspector, and James Butler, owner.**

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

**The building lacks a complete foundation, and there is documented photographic evidence of bowing walls, sagging roof, and skewed windows.**

Based on the foregoing findings, the Municipal Officers conclude that said building/structure is dangerous or a nuisance because as described in 17 M.R.S.A. § 2851 due to the following:

**It is structurally unsafe, unstable, and a danger to public safety because of inadequate maintenance and dilapidation.**

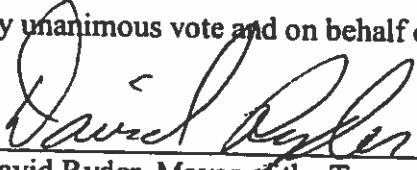
THEREFORE, pursuant to 17 M.R.S.A. § 2851, you are hereby ORDERED to complete the following:

**A proper application including a plan prepared by a professional structural engineer shall be submitted by the owner to the Code Enforcement Officer on or before May 4<sup>th</sup>, 2016 who shall act on a complete application within 14 days of receipt of such application. Within 60 days of the issuance of a permit by the CEO or such later date as may be mutually agreed upon by the CEO and the owner, the building must be structurally stable, no longer a dangerous structure as defined by 17 M.R.S.A. § 2851 and comply with the Town of Hampden's Building Code.**

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: April 4<sup>th</sup>, 2016

By unanimous vote and on behalf of the Municipal Officers, Town of Hampden, Maine;

  
\_\_\_\_\_  
David Ryder, Mayor of the Town of Hampden


In witness whereof:

  
\_\_\_\_\_  
Angus Jennings, Town Manager

STATE OF MAINE  
PENOBSCOT, ss.

April 4th, 2016

Personally appeared before me the above-named David Ryder and Angus Jennings and each acknowledged the foregoing instrument to be his/her free act and deed.

  
\_\_\_\_\_  
Notary Public

Paula A. Scott  
Notary Public - Maine  
My Commission expires Feb. 22, 2021

# Planning and Development Committee

April 6, 2016

6:00 PM

Conference Room

DRAFT MINUTES

## Attendees:

### Committee

Ivan McPike-Chair

Greg Sirois

Dennis Marble

Terry McAvoy

David Ryder

### Staff

Angus Jennings, Manager

Dean Bennett, Community Dev Dir (CDD)

### Guest

Karen Marysdaughter, Solarize Bangor

1. Approval of March 16, 2016 Minutes - Approved

2. Committee Applications:

- A. Resignation of Andrew Nelson, Planning Board - Noted

3. Updates:

- A. Marina Sign Progress

The Community Development Director and Town Manager reported on their past and current efforts to assist Hamlin Marine and McLaughlin Seafood in establishing a sign along Route 1A. Communication with MDOT was reviewed and noted that it was not possible to comply with MDOT permitting/licensing requirements in order to establish a sign within the State Right-of-Way.

Dan Higgins of Hamlin Marine and Kimberly McLaughlin of McLaughlin Seafood explained their situation. A dark area of the community, very little lighting and no signage makes it difficult for customers to find their location. Dan Higgins expressed his thoughts that due to the history of the location and the achievement of establishing a new park, the community should take pride in that location and celebrate the asset. He further described a number of community activities that could find a home there such as Children's Day, Farmers Markets etc.

It was the consensus of those in attendance, including a majority of the Planning and Development Committee members that we should move forward to the extent possible and create a sign design that would be acceptable to all parties. Kimberly McLaughlin indicated that she would take responsibility for getting a draft design and providing to the Committee. Once a design was completed, it would be submitted to the MDOT for approval as a Municipal (Governmental) Sign, as its primary purpose is to identify Turtle Head Park.

4. Old Business:

A. Home Occupation Revisions Draft

The Community Development Director provided the Committee with an updated draft of the Zoning Ordinance Home Occupation provisions which addressed the remaining issue identified by Town Attorney Bearor.

**Committee Action:** It was motioned and seconded to forward the Home Occupation draft to the town attorney and if approved, move to the Town Council for scheduling of a public hearing. **Vote: 5-0**

B. Flag Lots Amendment Draft

As discussed at the previous meeting, the Community Development Director presented a draft amendment to the Zoning Ordinance 4.3. Conditional Lot Dimensions and Rear Flag Lots establishing criteria and permitting processes for the creation of Flag Lots throughout the community.

**Committee Action:** It was motioned and seconded to forward the draft to the Town Council for Planning Board review and comment. **Vote: 5-0**

5. New Business

A. Karen Marysdaughter – Solarize Bangor

Karen Marysdaughter, representing Solarize Bangor, briefly presented the purpose and benefits of the Solarize initiative as she has previously discussed with the Infrastructure Committee. She asked for the Town's sponsorship of the initiative involving promotion of public awareness via social media. She further

indicated, should the town receive inquiries on Solarize Bangor, she would be the contact person on behalf of the Town.

**Committee Action: It was motioned and seconded to endorse the Solarize project and forward to the Town Council with recommendation to approve. Vote: 4-1**

**B. Harbor Ordinance Discussion**

**B. Harbor Ordinance Discussion**

Manager Jennings presented draft amendments to the Harbor Ordinance, following on direction from the P&D and Infrastructure Committees in October, intended to scale back the Town's responsibilities for the Harbor to reflect actual past practices in the administration of the Ordinance. He advised that the Maine Statutes require that the Town of Hampden designate a Harbor Master, with appropriate certification, to respond to requests for mooring locations along the Hampden waterfront.

Members of the public were in attendance, including recreational boaters, and representatives from Hamlin's Marine and McLaughlin's. The discussion focused on the short and long term needs of not only the businesses on the waterfront but also resident/boaters' needs to be able to establish a mooring, in an appropriate location, and have access to a dock for tying up of dinghies, that is outside of the commercial entities operation. It was acknowledged that the DPW Director, who on paper serves as the Harbor Master, is unable to dedicate consistent time toward this function in light of his other responsibilities, and that a better solution would be needed in order for the Town to provide this service.

It was the consensus that the Planning and Development Committee that in order to make informed decisions, especially given budgetary constraints, they need to be advised on the needs of the waterfront users. Residents expressed support for expanded use and visibility of the Marina within the community. The suggestion of the formation of a waterfront advisory committee was initially discussed. Several residents in attendance expressed potential interest in serving.

Manager Jennings explained that he was in the process of ensuring compliance with the Statute and was considering options to ensure that the Harbor Master functions as soon as possible can be properly performed.

It was agreed that the draft amendments to the Harbor Ordinance will require further discussion, and the Ordinance was tabled until a future meeting.

6. Zoning Considerations/Discussion:

A. 23 Cottage Street Request/Discussion

Community Development Director shared a letter from a resident expressing the need for consideration of the allowance for accessory apartments in residential areas of the community. This would allow for in-laws and family members to share living quarters yet still maintain an independent living status.

Committee requested Community Development Director research and draft suggested language at a future meeting.

- 7. Citizens Initiatives: None
- 8. Public Comments: None
- 9. Committee Member Comments: None
- 10. Adjourn: 8:15pm



**Planning and Development Committee  
March 16, 2016  
6:00 PM  
Conference Room  
MINUTES**

**Attendees:**

Committee

David Ryder, Mayor/Acting Chair  
Stephen Wilde  
Dennis Marble  
Terry McAvoy  
David Ryder

Staff

Angus Jennings, Manager  
Dean Bennett, Community Dev Dir (CDD)

1. Approval of March 2, 2016 Minutes
2. Committee Applications: None
3. Updates:
  - A. Status of Planning Board Review
    - Subdivision Open Space
    - Codification
    - Zoning Reference to Open Space

Community Development Director (CDD) reported to the Committee that the three items have been acted upon by the Planning Board and were being scheduled to return to the full Town Council with recommendation "ought to pass". Town Manager reported that they would be on the next Council agenda.

CDD further reported that the two remaining Subdivision Ordinance items regarding Criteria/Definitions and Private Road Subdivisions we be discussed at the next scheduled Planning Board Ordinance Committee meeting on March 30<sup>th</sup>.

4. Old Business:

A. Draft Mineral Extraction Repeal – Attorney

The Town Manager reported that the initial review from the town attorney was just received and staff will need to review the material. After discussion on the history and purpose of the item, the Board determined that although action should be considered is not a high priority as other items. The Community Development Director and Manager will review and report back to Committee.

B. Draft Home Occupation – Attorney

The CDD provided the Town Attorney's reviewed and revised draft to the Committee which referenced the need to create specific criteria from which the Code Enforcement Officer could categorize the type of Home Occupation.

CDD stated he was unsure of what additional criteria or guidance was needed to assist the Code Enforcement Officer in making the categorical determination of the type of Home Occupation per the Town Attorneys memo. CDD's experience was that the nature or specifics of the application, when compared to the two types of criteria (Minor/Major) in the Zoning Ordinance would provide adequate basis for making the determination on classification of type of Home Occupation.

After discussion on the intent to simplify and expedite the process and review of some applications, it was decided that continue work was warranted and staff would search for additional examples within other communities, seeking help from the Planners List Serve.

C. Flag Lots Discussion

CDD provided language and examples with which the Town could provide for the development of limited rear lot development with the utilization of a common right-of-way or reduced "driveway" frontage. If adopted, the Flag Lot provisions would allow for residential in-fill development, on those lots of sufficient size and frontage, which does not rise to the level of a subdivision.

After reviewing the material, the Committee indicated their support for the concept. Staff will incorporate the suggested concept into the proper format within the Zoning Ordinance and bring back to the Committee at a future meeting.

5. New Business

- A. Sewer line for Ammo Park and Triangle, potential TIF funding to upgrade to larger pipe.

With the recent pre-application submittal by MRC/Fiberight to develop a recycling and processing facility in the Triangle area with access from Coldbrook Road, and the necessity for that development to utilize existing infrastructure within the Ammo Park and Hampden Business and Commerce Park, a question of capacity to accommodate the proposed development and future development is currently being evaluated.

Initial engineering reports indicate that the current 8 inch sewer line, recently installed in the Ammo Park, that extends down to the Hampden Business and Commerce Park, is adequate to serve the MRC/Fiberight development and additional development detailed in Woodard and Curran report. Whereas that 8 inch sewer is being reinstalled, the question has been posed as to the potential benefit of increasing the 8 inch line to 10 or 12 inches.

Whereas the Emera TIF captured resources have been specifically designated for infrastructure expansion into the Triangle area, the potential expenditures from the TIF fund to increase the size of the 8 inch sewer were contemplated.

After a lengthy discussion on the potential for continued development of the triangle area, and given that indications are that the 8 inch sewer line would be adequate to accommodate for a considerable amount of future development, the Committee felt that a more responsible use of TIF captured dollars would be the investment of necessary infrastructure in the Coldbrook Road to accommodate commercial development of the Coldbrook Road and surrounding area. The Committee was uncomfortable with the investment in sewer enlargement in Ammo Park whereas if for any reason the MRC/Fiberight development did not occur, there would be an expenditure of public resources without public benefit. The Committee felt that infrastructure investment in the Coldbrook Road development was a more responsible use of TIF dollars and a more immediate return in public benefit.

- 6. Zoning Considerations/Discussion: None
- 7. Citizens Initiatives: None
- 8. Public Comments: None
- 9. Committee Member Comments: None
- 10. Adjourn: 8:15pm

**FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, April 4, 2016

**MINUTES****Attending:**

*Mayor David Ryder*

*Councilor Greg Sirois, Chair*

*Councilor Ivan McPike*

*Councilor Mark Cormier*

*Councilor Terry McAvoy*

*Councilor Dennis Marble*

*Councilor Stephen Wilde*

*Town Manager Angus Jennings*

*Chairman Sirois called the meeting to order at 6 p.m.*

1. **Meeting Minutes – March 21, 2016 Meeting** – *Motion by Councilor McAvoy seconded by Councilor McPike to approve the March 21, 2016 minutes as written. Approved 7-0.*
2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
3. **Old Business**
  - a. **Request authorization for payment of invoice from Penobscot Temperature Controls (labor only; boiler was under warranty) for the pinhole leak in the boiler from Municipal Building Reserve Account in amount of \$2,317.27** – *Manager Jennings reported that, while the boiler found to have a pinhole leak in December was covered under warranty, the labor was not. Motion by Councilor McPike, seconded by Mayor Ryder, to recommend Council approval of the invoice for labor associated with replacing the boiler, to be funded from the Municipal Building Reserve Account. Motion carried 7-0.*
  - b. **Town Manager Evaluation** – *Mayor Ryder presented a personnel evaluation to Manager Jennings, as provided for in his employment contract after 6 months of employment. Mayor Ryder based the evaluation on feedback he'd received from each of the Councilors. He said that the Council is pleased with Manager Jennings' work. Manager Jennings said he is happy to be working on behalf of the Town of Hampden. Motion by Councilor McPike, seconded by Councilor McAvoy, to approve the increase in salary provided in the contract upon successful completion of 6 months. Motion carried 7-0.*

- c. **Land use reorganization 12 month review – Invitation for Councilor's comments** – *Manager Jennings summarized the reorganization of planning and economic development functions (as well as Assessing and GIS/IT) that had happened in May 2015, and that there had been an expectation at that time that this reorganization would be evaluated after 12 months to see how it's working. He said that any comments from members of the Council, the public, the development community or otherwise would be welcome and taken into account. Comments should be directed to the Town Manager, and should focus on the function or organization of the departments, rather than specific personnel. Councilor McAvoy said that he does not think a full-time Assessor is needed and that this function should be part-time or contracted out.*

#### **4. New Business**

- a. **Request authorization to transfer funds from the Personnel Reserve Account to reimburse personnel line items (Administration, Public Works) for FY16 retirement pay-outs** – *Manager Jennings summarized the materials in the meeting packet that pay-outs of accrued vacation, comp and sick time had been made for three retired employees in accordance with the terms in the Personnel Ordinance. In FY15, these same types of payments were paid from the wage line items in the budget, resulting in those line items exceeding budgeted amounts. Manager Jennings has consulted with the Auditor, who recommends that such payments be paid out of a Personnel Reserve Account. Motion by Councilor Marble, seconded by Councilor McPike, to recommend Council approval of expenditures from the Personnel Reserve Accounts in order to credit the amounts paid from wage line items so these payments are accounted for properly. Motion carried 7-0. Councilor McAvoy asked what would happen if there is another retirement. Manager Jennings said that, if the retiree had accrued vacation, comp and/or sick time, payments would be required under the Personnel Ordinance.*

5. **Public Comment** – *Manager Jennings circulated a report he prepared summarizing his review of accounting for the Route 1A sewer work in 2014. His analysis showed that the 5% retainage amount due to the contractor T. Buck was proper (as had been found by the Town's consulting engineer Woodard & Curran), so he had authorized payment of the invoice from the Sewer Fund. He noted that, for future bond-supported projects, if cost estimates significantly exceed estimates on which the bond was based, it would be important to make adjustments to costs or revenues as needed to avoid a future situation such as this where the amounts due exceed the funds*

*provided from the bond proceeds.*

- 6. Committee Member Comments** – *Chairman Sirois noted that, for Finance Committee meetings such as this with light agendas, the meeting start time could be postponed to 6:30 instead of 6.*

*There being no further business, the meeting was adjourned at 6:19 p.m.*

Respectfully submitted –  
Angus Jennings  
Town Manager

**SERVICES COMMITTEE MEETING**

Monday, March 14, 2016

**MINUTES****Attending:**

*Councilor Terry McAvoy, Chair  
Mayor David Ryder  
Councilor Dennis Marble  
Councilor Stephen Wilde  
Councilor Mark Cormier*

*Town Manager Angus Jennings  
Recreation Director Shelley Abbott  
Pool Director Darcey Peakall  
DPW Director Sean Currier  
Resident Jeremy Jones Esq.*

*Chairman McAvoy called the meeting to order at 6 p.m.*

- 1. MINUTES – February 8, 2016** – *It was motioned and seconded to approve the minutes of the February 8, 2016 Services Committee meeting. Unanimous vote (5-0) in favor.*
- 2. OLD BUSINESS**
  - a. Status update: Penobscot-Downeast Cable Television Consortium** – *Chairman McAvoy had requested that this item be placed on the agenda for update. Manager Jennings said it's not clear that any progress has been made since this item was last discussed, referring to recent correspondence with other participants in the Consortium. He acknowledged that this has been a slow process and that it does not feel like the Town has had any ability to affect the process. Chairman McAvoy said he wasn't sure what the Consortium does and he asked whether the Eastern Maine Development Corporation, which serves as the fiscal agent of the Consortium, takes a percentage of funds received. He asked whether Hampden is getting a franchise fee, and if so when is this received and how is it accounted for. Manager Jennings said he didn't know what the business terms were, and that he'd look into it.*
  - b. Recreation/Conservation Reserve Account (3-769-00). Discussion of eligible uses, and process for budgeting and expenditures** – *Manager Jennings summarized that funds have been received over a period of more than a decade as "funds in lieu" of open space that had been required of subdivisions. Manager Jennings prepared a draft Policy in order to clearly define both the eligible uses of these funds, and the process by which expenditures from this account must be authorized. The Committee discussed the draft Policy and agreed that it met their objectives. Motion by Councilor Marble seconded by Mayor Ryder to recommend the draft Policy for Council approval. After discussion, the motion carried 5-0.*

### 3. NEW BUSINESS

- a. **Discussion of recreation facilities; process for evaluation of Pool site potential for future expansion of facilities and parking** – Mayor Ryder reported that he'd been looking into whether a community center could be accommodated on the site of the Lura Hoit Pool where the gazebo and volleyball courts are located. He said this was a potential longer term initiative, and that the work was very preliminary. He received plans that had been prepared for another community and reviewed them with the Recreation Director. The person who prepared the plans, Jeff Brown, has quoted a price of \$800.00 to modify the plans. Mayor Ryder said that one question for discussion was whether, if the Town were to consider a community center, it should include the Library or not. He said that if a facility were pursued it would last for many years so would need to be planned based on the Town's long-term needs. Councilor Wilde asked whether wetlands on the site would be a limiting factor, and Mayor Ryder said that a DEP permit would be needed in order to add any impervious surface to the site.

Councilor Marble reiterated that while the concept is broad brush and preliminary, he asked whether all indoor activities could be held here. Recreation Director Abbott said yes. Councilor McAvoy asked about converting the current Pool building to a Library and Community Center. Councilor Marble said he didn't think the Pool building could accommodate a community center, and he supported proceeding with conceptual plans. Pool Director Peakall asked what was meant by a community center "in the pool." Councilor McAvoy said that he favored closing the Pool, filling it in, then using the building as a Library. Councilor McAvoy said he recalled hearing the Recreation Director say in the past that parents would object to relocating Kids' Korner. Director Abbott said that transportation costs would need to be taken into account if there were to be a new facility location. Mayor Ryder said the two questions before the Committee were whether to proceed with modifying the plans for \$800, and whether or not to include the Library. Councilor McAvoy said that if the Library cannot be put in the Pool, which he would favor, then it should be in a community center. Director Peakall asked whether this initiative would delay the possibility of adding parking to the Pool site, since this is a known need. Mayor Ryder said that wetlands flagging and DEP permitting would be needed before any impervious surface could be added, whether to do with parking or a community center. Director Currier said he can get an estimate of what a wetlands survey would cost.

Resident Jeremy Jones asked whether the Library's endowed funds are restricted in their use. Mayor Ryder said that if the Town at some point no longer uses the Edythe Dyer building that the original owner would have right of first refusal to acquire the property. Manager Jennings said he would need to look into how Library and Pool funds may be restricted. Councilor Cormier asked whether a community center would be a net savings or a net cost to



*the Town. Mayor Ryder said that part of the idea is to consolidate maintenance responsibilities to a smaller geographic footprint. He said that any proposal would need to go to voter referendum, but that we're very preliminary and a proposal would need to be prepared in order to determine whether it warrants being brought forward as a formal proposal, and when.*

*Councilor Wilde said he's not interested in filling in the Pool. He said that in order to have a long range plan you need to start somewhere. He said that the discussion of whether or not a Library should be considered will need public input. Councilor McAvoy said that the current Library would require major investment to meet applicable code requirements because it wasn't ever designed to be a Library. Councilor Marble agreed that we need to provide opportunities for public input. He does support proceeding with plans based on the modest cost proposed. Councilor McAvoy said he doesn't think Hampden needs a complex like this. He said that anyone who wants indoor recreational space can rent the Skehan Center on weekends. Mayor Ryder said that Newburgh used to have a facility but it closed due to lack of janitorial resources, and that a new facility would lay out much better for senior citizens. He said a small investment in plans will provide more information that would be needed to evaluate costs of any such facility. He said he would meet with the Library Director.*

- b. Update on evaluation of VFW Fields site potential to accommodate additional parking** – *Mayor Ryder presented a series of projects that have been identified by the Recreation Committee as needs and which would be eligible expenditures under the proposed C/R Account Policy. This included repairs to the tennis and basketball courts at the VFW Fields. He said that it would be good for the Town to set aside money annually in reserve accounts to provide funds for facilities maintenance over time. He spoke about the poor condition of the Marina boat ramp and the need for repairs. Manager Jennings said he had followed up with the vendor that quoted a price last June to Hamlin's and that he received an updated proposal that cost 10% less. Mayor Ryder said that port-a-potty enclosures are needed, and that he'd identified someone who volunteered to construct five picnic tables for Dorothea Dix Park and Papermill Park at no cost if the Town provides the materials. Mayor Ryder said that parking could also be added at the VFW site. Full Council authorization will be needed to proceed with these public improvements. Manager Jennings said these items would be brought to the next Council meeting.*
- c. Update on initiative to offer online registration and payment option for Recreation and Pool programs** – *Manager Jennings said that Director Abbott has done a great deal of background research regarding setting up online registration and payment, and has identified a vendor and received a proposal. He said that he felt this would provide greater service and convenience to the public, would reduce the administrative burden on staff*

*associated with data entry in the current paper-based registration system, and that there is reason to think it could actually increase participation in Recreation and Pool programs. Director Abbott said the Recreation Committee has been talking about this for a couple of years. The proposal from MyRec.com is based on estimates of how much revenue would be processed through online payments if this system is set up. Because there is a cost for online payments, some fees would need to be increased. Director Peakall said that she's evaluating the Pool fees structure, and expects to recommend changes to membership, swim lesson and facility rental costs but not to drop-in fees. Resident Jones Esq. said that ease of sale is very important to customer service and increasing sales.*

*Councilor McAvoy asked whether some fees could be pulled out of the Ordinance so they could be modified without the legal costs associated with Ordinance public hearings. Manager Jennings said yes, if the Ordinance refers to and authorizes fees, these could be established in Policy that would require action in a public meeting but not a public hearing.*

*There was support from the Committee to proceed with work toward setting up online registration and payment options for Recreation and Pool.*

**4. PUBLIC COMMENTS – None.**

**5. COMMITTEE MEMBER COMMENTS – None.**

*There being no further business, the meeting was adjourned.*

Respectfully submitted –

Angus Jennings  
Town Manager



D-2-a.

TOWN OF HAMPDEN  
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 4/19/16

Public Hearing: Yes \*E No     

☒ Application for Liquor License

Expires May 5<sup>th</sup>, 2016

☒ Application for Victualer's License

☐ Application for Off-premises Catering

do Liquor license  
requires public hearing

☐ Application for Outdoor Wood-burning Furnace License  
Victualer's license  
does not.

NAME: McLaughlin's at the Marina  
Business Name Individual

ADDRESS: 108A Marina Rd Hampden PHONE: 974-9228

MAP/LOT: 028-017-A1 DATE: 4/4/16

DEPARTMENT REPORT:

No concerns

DATE: 04/12/16

BY: [Signature]  
Title:

BY:       
Title:



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, MAINE 04330-0164

H. SAWIN MILLETT, JR.  
COMMISSIONER

GERALD T. REID  
DIRECTOR

NOTICE OF LICENSURE

Name of Licensee:

McLaughlin LLC

Date of Issue:

Sept 1, '14

Name of Business:

McLaughlins at the Marina

Address:

100 Mariner

City, State, Zip:

Road, Hampden

Type of Premise:

Class I- Class A Restaurant

Type of Privilege:

Spirits, Vinous, Malt

Permanent License Number:

7022

This Authorization Expires:

Oct 31, '14

Lawrence D. Suber

Inspector

Note: Please use this Notice of Licensure as authorization to transact business as documented in this Notice. This Notice must be destroyed upon receipt of the permanent license.

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**

<b>DEPARTMENT USE ONLY</b>	
<b>LICENSE NUMBER:</b>	<b>CLASS:</b>
<b>DEPOSIT DATE</b>	
<b>AMT. DEPOSITED:</b>	<b>BY:</b>
<b>CK/MO/CASH:</b>	

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



**PRESENT LICENSE EXPIRES** June

**INDICATE TYPE OF PRIVILEGE:** ☐ MALT ☒ SPIRITUOUS ☒ VINOUS

**INDICATE TYPE OF LICENSE:**

- ☒ RESTAURANT (Class I,II,III,IV)    ☐ RESTAURANT/LOUNGE (Class XI)  
☐ HOTEL-OPTINONAL FOOD (Class I-A)    ☐ HOTEL (Class I,II,III,IV)  
☐ CLASS A LOUNGE (Class X)    ☐ CLUB-ON PREMISE CATERING (Class I)  
☐ CLUB (Class V)    ☐ GOLF CLUB (Class I,II,III,IV)  
☐ TAVERN (Class IV)    ☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.)</b>		<b>2. Business Name (D/B/A)</b>	
Kimberly DOB: 1/16/62		McLaughlin LLC	
M. Laughton DOB: _____			
Reid McLaughlin DOB: 11/7/56		Location (Street Address) 100 Marina Rd	
Address 299 South Rd		City/Town Hampden	State Me Zip Code _____
		Mailing Address Same	04444
City/Town Helden	State Me Zip Code 04489	City/Town _____	State _____ Zip Code _____
Telephone Number 724-9228	Fax Number _____	Business Telephone Number 990-1111	Fax Number _____
Federal ID # 35-0914916	Seller Certificate # 623786		



**For Office Use Only:**  
License #: \_\_\_\_\_ Date Filed: \_\_\_\_\_



MAIL ADDRESS: \_\_\_\_\_

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 80000 LIQUOR \$ 900005. ☐ NO ☒ Is applicant a corporation, limited liability company or limited partnership? YES

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: \_\_\_\_\_

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_

Business hours: \_\_\_\_\_

9. Business records are located at: 100 Main St. Rm 10110. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐☐ NO ☒ Is/are applicant(s) residents of the State of Maine? YES

.11

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Kimberly W. Wye</u>	<u>1/16/62</u>	<u>Fort Fairfield</u>
<u>Roid M. Laughlin</u>	<u>11/7/56</u>	<u>Fort Fairfield</u>
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
<u>299 South Rd. Hallowell ME 04429</u>		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☒ NO ☐

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly in your license, if issued?

YES ☒ No ☐ If Yes, give name: \_\_\_\_\_15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐16. Does/do applicant(s) own the premises? YES ☒ No ☐ If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: \_\_\_\_\_19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3 miles Which of the above is nearest? \_\_\_\_\_20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing &amp; Inspection is hereby authorized to obtain and examine all books, records and tax returns

pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Hamden on 4/4, 2016  
Town/City, State Date

G. Reid McLaughlin  
Signature of Applicant or Corporate Officer(s)  
G. Reid McLaughlin  
Print Name

Please sign in blue ink

Kimberly McLaughlin  
Signature of Applicant or Corporate Officer(s)  
Kimberly McLaughlin  
Print Name

#### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

#### FEE SCHEDULE

**Class I** Spirituous, Vinous and Malt \$ 900.00

**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers;

OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only \$ 550.00

**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only \$ 220.00

**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only \$ 220.00

**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges;

Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants;  
Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00  
**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00  
**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE \$ 10.00**

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**STATE OF MAINE**

Dated at: Hampden, Maine Penobscot ss  
City/Town (County)  
On: April 19th, 2016  
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the

☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§ 653. Hearings; bureau review; appeal**

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held



under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

- C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A §4 (new).]  
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A §4 (new).]  
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]  
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]  
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]  
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

- A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and**  
**Enforcement**

**Supplemental Information Required for**  
**Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

McLaughlin LHC

2. Other business name for your entity (DBA), if any:

Mclaughlin's At the Marina

3. Date of filing with the Secretary of State:

2008

4. State in which you are formed:

ME

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Kimberly	299 South Rd	1/16/82	100%
Rob	299 South Rd	1/7/56	

7. Is any principal person involved with the entity a law enforcement official? Yes ☒ No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_

Agency: \_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☒ No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed) Name:

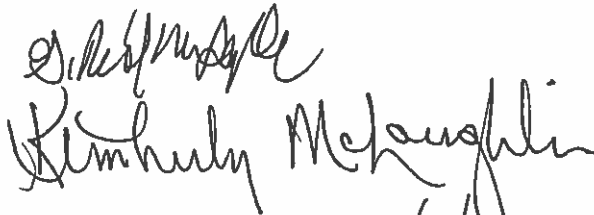
Date of Conviction:

Offense:

Location of Conviction:

Disposition: \_

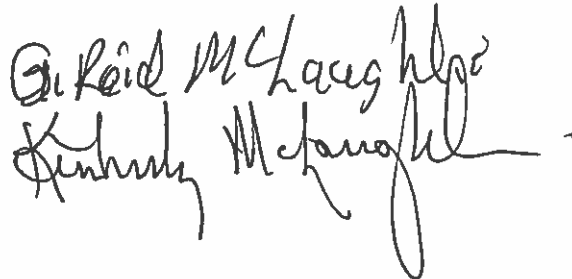
Signature:



Signature of Duly Authorized Person Date

4/4/2016  
4/5/2014

Print Name of Duly Authorized Person



If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery

Operations Division of Liquor Licensing Enforcement

8 State House Station Augusta, Me 04333-0008

Telephone Inquiries: (207) 624-7220

Fax: (207) 287-3434

Email Inquiries: MaineLiquor@Maine.gov



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

---

## Proposed amendments to Sewer Ordinance

1 message

Edmond J. Bearor <ebearor@rudmanwinchell.com>  
To: Angus Jennings <townmanager@hampdenmaine.gov>  
Cc: "Lynn E. Brochu" <lbrochu@rudmanwinchell.com>

Sun, Apr 10, 2016 at 10:09 AM

Angus, I reviewed the proposed amendments to the Sewer Ordinance (I received only pages 15-22 for review, so I assume no revisions to pages before page 15 or after page 22). If there are additional amendments, please forward as soon as possible.

As a housekeeping matter, I think the cover page incorrectly refers to the "Fees" Ordinance when it reads 'Proposed Amendments to the Fees Ordinance'.

I have no substantive comments other than to ask a question regarding implementing section 4.2.2: essentially, what happens after it is determined that the emergency that gave rise to the need for a property to connect to an inadequate sewer is abated? This section says simply that "Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance." It may logically follow that the connection will be severed, but that isn't clear. You can leave it vague, but it seems better that the consequence be stated in the Ordinance.

Fee Ordinance amendments; Sewer Connection Fee Calculation Worksheet; Sewer Connection Fee Schedule and the Sewer Connection Applications: No comments, each appears fine to me.

---

### NOTICE:

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**TOWN OF HAMPDEN**

**Draft**

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Sewer  
Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE  
SEWER ORDINANCE**

ADOPTED by Hampden Town Council, December 5, 2011  
Effective Date: January 4, 2012

AMENDED: Hampden Town Council [DATE], 2016  
Effective: [DATE], 2016

Council  
4/19/16  
Pub Hearing  
D-2-b

CERTIFIED BY: Paula Scott  
Name

Town Clerk  
Title Affix Seal

**TOWN OF HAMPDEN, MAINE  
SEWER ORDINANCE**

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**Preamble**

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hampden, County of Penobscot, State of Maine.

**ARTICLE 1  
GENERAL ADMINISTRATION**

**Section 1.1. Definitions.** As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

**ACT OR THE ACT:** The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

**APPROVAL AUTHORITY:** The Maine Department of Environmental Protection.

**ASTM:** American Society for Testing and Materials.

**AUTHORIZED REPRESENTATIVE OF THE USER:**

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the user is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Town.

**BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).



**BUILDER:** Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

**BUILDING DRAIN:** The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to the building sewer beginning eight (8) feet outside of the building wall.

**BUILDING SEWER:** The extension from the building drain to the point of connection to the public sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

**CATEGORICAL USER:** Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

**CITY:** The City of Bangor, Maine.

**CITY ENGINEER:** The City official appointed and designated by the City Manager as the City Engineer for the City of Bangor.

**CODE ENFORCEMENT OFFICER:** The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

**COLOR:** The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

**COMBINED SEWER:** A sewer receiving both surface runoff and sewage.

**COMPOSITE SAMPLE:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**CONTRACTOR:** Any person, firm, or corporation approved by the Town Council to do work in the Town of Hampden.

**DAILY MAXIMUM LIMIT:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**DEP:** Maine Department of Environmental Protection.

**DEVELOPER:** Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

**DISCHARGE:** Any substance knowingly put or allowed to flow into any part of the Town's POTW.

**DISCHARGER:** All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

**DOMESTIC SEWAGE:** Water and water-carried wastes and sewage normally discharged into the

sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

**ENVIRONMENTAL PROTECTION AGENCY:** The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

**EXCESSIVE LOADING:** Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

**EXISTING SOURCE:** Any source of discharge the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GRAB SAMPLE:** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

**HAZARDOUS WASTE:** A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

**HIGH-STRENGTH CONVENTIONAL WASTE:** Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

**INDIRECT DISCHARGE or DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

**INDUSTRIAL USER or USER:** A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

**INDUSTRIAL WASTES:** All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE:** A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use or disposal; and
- (2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of

the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES):** Permit program of the Maine Department of Environmental Protection.

**MANAGER:** The term Manager shall have the same meaning as Town Manager.

**MASS-BASED LIMITATIONS:** Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

**MEDICAL WASTE:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**MILLIGRAMS PER LITER:** A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

**NATURAL OUTLET:** Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

**NEW SOURCE:**

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section of the Act, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or significant site preparation work,

including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in his or her operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

**NONCONTACT COOLING WATER:** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**NORMAL DOMESTIC SEWAGE:** Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

**NPDES:** The National Pollutant Discharge Elimination System permit program of the EPA.

**OWNER:** Any individual, firm, company, association, society, or group having title to real property.

**PASS-THROUGH:** Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON:** Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

**pH:** The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

**PREMISES:** Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

**PRETREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

**PRETREATMENT PROGRAM COORDINATOR:** The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

**PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARD or STANDARDS:** Prohibited discharge standards, categorical pretreatment standards and local limits.

**PRIVATELY OWNED SEWER EXTENSION:** An extension of the public sewer where ownership and

maintenance is retained by the developer or property owner.

**PRIVATE SUBSURFACE DISPOSAL SYSTEM:** A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

**PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking, and dispensing of food or produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**PROPERTY LINE:** The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

**PUBLIC SEWER:** A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

**PUBLIC WORKS DIRECTOR:** The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

**SANITARY SEWER:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEPTIC TANK WASTE:** Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWER EXTENSION:** The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

**SIGNIFICANT INDUSTRIAL USER:**

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

- (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or
- (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or
- (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the

Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE:** Includes the following:

(1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;

(4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report any noncompliance with permit requirements; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

**SLUDGE:** A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

**SLUG or SLUG LOAD:** Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION CODE:** A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

**STANDARD METHODS:** Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA..

**STATE PLUMBING CODE:** The latest edition of the State of Maine Plumbing Code.

**STORM SEWER OR STORM DITCH:** A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

**STORMWATER:** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

**SUPERINTENDENT:** The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

**SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

**TOTAL TOXIC ORGANICS:** The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

**TOWN:** The Town of Hampden, Maine.

**TOWN MANAGER:** The Town Manager of Hampden or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

**TOWN COUNCIL:** The duly elected Town Council of the Town of Hampden, Maine, or its authorized representative.

**TOXIC POLLUTANT:** One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

**TREATMENT PLANT EFFLUENT:** The discharge from the POTW into waters of the United States.

**TREATMENT PLANT INFLUENT:** The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

**UPSET:** An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

**WASTEWATER:** Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER PLANT:** Any facility owned by the City and used for receiving and treating wastewater.

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently.

Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
BMP	Best management practices

CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

**Section 1.2. Powers and Authority of Inspectors:** The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hampden Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

**Section 1.3. Repeal of Prior Ordinances:** The Sewer Ordinance enacted on June 19, 1978, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

**Section 1.4. Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.



**Section 1.5. Severability:** In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 1.6 Effective Date:** Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

## **ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED**

**Section 2.1. Discharges:** It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

**Section 2.2. Discharges to Land:** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

**Section 2.3. Private Sewers:** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

**Section 2.4. Connection of Plumbing Facilities to Public Sewers:** The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

**Section 2.5. Waivers from Connecting to Public Sewer:** The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship. 2) excavation of a public highway is prohibited by State law or regulation. 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

## **ARTICLE 3 PRIVATE SEWAGE DISPOSAL**

**Section 3.1. Unavailability of Public Sewers:** Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

**Section 3.2. Construction of Private Subsurface Disposal Systems:** Construction of private subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of Health Engineering, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town when the work is ready for final inspection, and before any underground portions are covered.

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town to cease accepting discharge from the private sewer into the sewage works and to take such action as necessary, including plugging of the private sewer at the point of connection to the sewage works, as necessary to protect the public interest.

**Section 3.3. Division of Health Engineering State Department of Health Recommendations:** The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of Health Engineering, State of Maine.

**Section 3.4. Conversion to Public Sewer:** At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations. Tanks and similar structures shall be removed or broken and filled with minus 4" compacted well-graded granular material.

**Section 3.5. Additional Requirements:** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

**Section 3.6. Septage Disposal:** Septic tank waste and hauled industrial waste may be introduced into the POTW only at the designated receiving structure of the POTW and at such times as are established by the Town. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Town.

The Town may issue wastewater discharge permits to original sources of hauled industrial waste. The Town shall also have the authority to prohibit the disposal of hauled industrial wastes.

Waste haulers may only discharge loads at locations specifically designated by the Town. No load may be discharged without prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with this Ordinance. The Town may require the hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste and volume and characteristics of waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents and whether any wastes are RCRA hazardous wastes.

Waste haulers must dispose of hauled wastewater at the designated receiving structure only during such days and times as designated by the Town. Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town can refuse to accept such wastewater for treatment in the POTW.

#### **ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS**

**Section 4.1. State Plumbing Code:** The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, the provisions of this article shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

**Section 4.2. Connection to Public Sewers:** No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written Street Opening/Utility Connection permit from the Town Manager. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection and pay applicable sewer connection fees.

**4.2.1. Street Opening/Utility Connection Permit:** Said Permit shall specify whether the connection is for residential or commercial service or for service to establishments producing or handling industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be accompanied by any plans, specifications, or other information required in accordance with the provisions in the Street Opening/Utility Connection Ordinance. The fee for the Street Opening/Utility connection permit is established in the Town of Hampden Fees Ordinance.

**4.2.2. Except on an emergency basis to serve existing structures only (e.g. following a failure of an existing private septic system), no street opening/utility connection permit shall be issued authorizing connection to any public or private sewer line or sewer extension which is found by the Town to be inadequate, by reason of its design, condition or lack of hydraulic capacity, to accommodate the additional volume or flow or types of wastes to be discharged from the premises concerned; or which by reason of its design, condition or hydraulic capacity, causes or materially contributes to upsets, surcharges, slug loads or untreated outfalls at any downstream or other location. All permits issued on an emergency basis under this subsection shall bear the designation of "emergency permit" and shall be subject to annual review by the Public Works Director and/or the Town Manager. Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance.**

**4.2.3. Except for the purpose of correcting the violation concerned, no new street opening/utility connection permit shall be issued to any person who has been cited by the Public Works**

Director or the Town Manager for violations of this ordinance if such violation remains uncorrected at the time of application.

**4.2.4.1. Backwater Valves Required:** To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.

1. **Material.** All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
2. **Seal.** Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
3. **Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
4. **Access.** Backwater valves shall be installed so that access is provided to the working parts for service and repair.

**Section 4.3. Permits and Connection Inspection Fees:** There shall be two (2) classes of building sewer connection permits/fees:

1. ~~for~~ residential service, and
2. ~~for~~ commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at the date of application shall be paid to the Town at the time an application is filed. The Town Council shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, after recommendation of the Town Manager based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure. The permit (or sewer connection fee) is calculated based on a form (Sewer Connection Fee Worksheet) provided by the Town. No sewer connection fee will be required for repair of an existing sewer service, although a Street Opening/Utility Connection Permit will be required as applicable.

**Section 4.4. Shared Building Sewers:** A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are demonstrated by examination to be in full conformance with all requirements of this ordinance.

**Section 4.5. Quality and Weight of Materials:** The building sewer shall be cast iron soil pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

**Section 4.6. Size and Slope of Sewer:** The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

**Section 4.7. Elevation and Location of Sewer:** Whenever possible, the building sewer shall be

brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. If frost protection depth of (5ft. min) is not attainable due to ledge or other circumstances, rigid styrofoam insulation may be used at the rate of 1 inch per 12 inches of soil depth required. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.

**Section 4.8. Building Drains:** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

**Section 4.9. Excavations and Backfilling:** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town. Refer to Section VI of the Street Opening/Utility Connection Ordinance for additional requirements.

**Section 4.10. Joints and Connections:**

**4.10.1. Cast Iron Pipe:** Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

**4.10.2. Plastic Pipe:**

**4.10.2.1.** ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

**4.10.2.2.** Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

**4.10.2.3.** SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic Pipe Using Elastomeric Seals".

**4.10.3. Joints:** All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

**4.10.4. Alternate Materials and Methods:** Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

**Section 4.11. Connections:** Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

**4.11.1. Connections at Manholes:** Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with

ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	PHYSICAL PROPERTIES	ASTM C-023	ACTUAL
<b>I.</b>	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
<b>II.</b>	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
<b>III.</b>	Accelerated Oven Aging: 96 hrs @ 158°F		
	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
<b>IV.</b>	Comp.Set, % max	25	19.6
<b>V.</b>	Water Absorption: 48 hrs @ 158°F Weight increase, % max	10	3.5
<b>VI.</b>	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0
<b>VII.</b>	Low-temperature brittle point Fracture @ -40°C	None	None
<b>VIII.</b>	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

**4.11.2. Connections at Wye Branches:** When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to effect a water

tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

**4.11.3. Service Marker:** Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWWA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

**4.11.4. Swing Ties:** Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

**Section 4.12. Inspection and Connection to Public Sewers:** The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

**4.12.1. Guarding of Excavations:** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

**4.12.2. Restoration of Public Property:** Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**Section 4.13. Building Sewers Requiring Frequent Maintenance:** Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

**4.13.1 Interceptors and Traps:** Grease oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**Section 4.14. Infiltration:** The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of

extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

**Section 4.15. Costs and Expenses Borne by the Owner:** All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or failure of the building sewer.

## **ARTICLE 5 SEWER EXTENSIONS**

**Section 5.1. Sewer Extensions Constructed by the Town:** Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

**Section 5.2. Sewer Extensions Constructed by Private Developer:** If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extension shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot wide right-of-way deeded to the Town.

**Section 5.3. Requirements for Extending Sanitary Sewer Systems:** All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Sewage Works, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewerline construction shall be a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical. Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below:

**Submission of digital data/preparation of geo-referenced plans:** The digital submission should include all applicable sewer features (pipes, junctions, pumps, etc), topography, property lines, wetlands, or any other applicable features as would be shown on a printed plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall



be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plan Coordinate System Maine Zone East 1983 feet. Accepted file types are MapInfo .tab and associated files, ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch", that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. Files should be submitted on a CD or DVD.

**5.3.1.** All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hampden, Maine except under the following conditions:

**5.3.1.1** Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

**5.3.1.2** The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewer line.

**5.3.1.3** No force main shall exceed 2,000 feet in length unless prior approval has been obtained from the Town Council upon their finding that such increased length is the only practicable option to service the subject property, and upon their finding that any increased operations and maintenance costs that would result from such increased length over the life of the infrastructure will be offset by sewer fees to be paid by the user or users of the force main.

**5.3.1.4** A gravity sewer is not feasible. For example: Although a 2" force main sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

**5.3.1.5** The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

**5.3.1.6** Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

**5.3.1.7** The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed and approved by the Town Council with written recommendation of the Town Manager, Town Attorney and Town engineering consultant.

**5.3.2. Materials, Joints and Connection to Building Sewers:** Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15

inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements of DR 25, Class 150 pipe shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

**5.3.3. Excavation:** Excavation for pipe lines shall be true to line and grade and shall be carried to the bottom of the pipe or to 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "O" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

**5.3.4. Bedding Material:** Pipe bedding shall consist of a foundation, side-fill to the pipe spring line, and as appropriate, fill from the spring to the top of the pipe embedment zone (12" min. over top of pipe.

PVC pipe shall be bedded in accordance with UNI B-5 Class I Bedding Conditions.

Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench width and length just above the stone cover prior to placing backfill material.

Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

**5.3.5. Pipe Thickness and Field Strength:** Pipe thickness and field strength shall be calculated on the

following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

**5.3.6. Manholes:** Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

**Components:** Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections, with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.

Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.
2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-

1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.

3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

Riser rings will be pre-cast and shall be reinforced, and fitted with lifting pins. Brick and mortar will be used for final finish grade adjustment. Finish grade adjustment with riser rings and bricks shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used

Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand and cement consisting of one part cement, three parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

**5.3.7. Shop Drawings:** Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

**5.3.8. Flushing:** All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town.

**Section 5.4. Testing:** All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

**5.4.1. Vacuum Testing of Manholes:** Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

**5.4.2. Pneumatic Pipe Test:** All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.
4. Three individual hoses shall be used for the following connections:
  - a. From control panel to pneumatic plugs for inflation.
  - b. From control panel to sealed line for introducing the low pressure air.
  - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5

15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2 inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewerline is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

**5.4.3. Deflection Test:** An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes.
2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along the entire section where the constriction occurred.

**5.4.4 Video Testing:** Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm

approved by the Town.

A Town representative shall be present at the time of testing.

**Section 5.5. Transfer of Ownership to the Town:** All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 18 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

**Section 5.6. Privately Owned Sewer Extension:** Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

**5.6.1** Maintaining the privately owned sewer extension shall include an annual inspection report of the complete system. This shall include, but not limited to, the condition of manholes, (interior and frame/covers), brick and mortar, inverts, pump stations, generators, infiltration and inflow sources and any other pertinent areas. The report shall be filed with the Town Manager and signed by a professional engineer (PE) registered in the State of Maine. All other construction requirements of this ordinance shall apply to privately owned sewer extensions.

**Section 5.7. Requirements for Building Permits:** No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

## **ARTICLE 6 USE OF PUBLIC SEWERS**

**Section 6.1. Unlawful deposits and discharges; use of public sewers required:**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

**Section 6.2. Storm Sewers:** Storm water and all other unpolluted drainage shall be discharged to such

sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Town Manager, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations.

**Section 6.3. General Sewer Use Requirements:**

**6.3.1 General prohibitions.** No discharger or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hampden, which is introduced to the Town's POTW.

**6.3.2. Specific prohibitions.** No discharger or user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60°C). using the test methods specified in 40 CFR 261.21

(2) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.

(4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).

(6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.

(7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.

(9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.

(11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be



discharged only after approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413.

(12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.

(13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.

(14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.

(17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.

(18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.

(19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.

(20) Any garbage except properly shredded garbage.

(21) Any hazardous waste.

#### **6.3.3 Action by Town outflow metering.**

(1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

(a) Reject the wastewater or other wastes;

(b) Require pretreatment to an acceptable condition for discharge to the POTW;

(c) Require control over the quantities and rates of discharge;

(d) Require payment to cover the added cost of handling and treating the wastes; and/or

(e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to

the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

**(3) Outflow metering.**

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

**6.3.4** Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private residential living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

**6.3.5** No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that would allow it to be discharged to the POTW.

**6.3.6** Federal Categorical Pretreatment Standards. The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the

Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

- [1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- [2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;
- [3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- [4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- [5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

- [1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- [2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;
- [3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- [4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

- [1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
- [2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- [3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not

based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

**6.3.7. Local limits.**

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

**6.3.8. Town's right of revision.** The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**6.3.9. Special agreement.** The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

**6.3.10. Pretreatment facilities.** Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to

pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

**6.3.11. Accidental discharge/slug control plans.** The Town may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years the Town shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this section of this Ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

#### **Section 6.4. Wastewater surveys.**

**6.4.1.** It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hampden where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

**6.4.2.** When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.

(5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.

(6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.

(7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.

(8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.

(9) The identification of each product produced by the user by type, amount, process or processes and rate of production.

(10) The type and amount of raw materials utilized, average and maximum per day, by the user.

**6.4.3.** All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**6.4.4.** The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

## **Section 6.5. Wastewater discharge permits.**

**6.5.1.** Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance. Section 1.1 of this Ordinance is required to obtain a wastewater discharge permit from the Town.

**6.5.2.** The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

**6.5.3.** Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

**6.5.4.** Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

**6.5.5.** The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

**6.5.6.** Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

**6.5.7.** Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises or a new or changed operation. To facilitate the issuance of new, separate permits, the Town may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.

**6.5.8.** Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

**(1)** Wastewater discharge permits shall contain the following conditions:

**(a)** A statement that indicates the wastewater discharge permit duration.

**(b)** A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.

**(c)** Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.

**(d)** Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.

**(e)** A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.

**(f)** Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.
- (b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
- (c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.
- (d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.
- (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.
- (f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.
- (g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
- (h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
- (i) Identification by the user of the location of the user's outfall to the POTW.
- (j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

**6.5.9.** Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.
- (2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.
- (3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.
- (4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.



(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

**6.5.10. Modifications.**

(1) The Town may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.

(e) Violation of any terms or conditions of the wastewater discharge permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.

(g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

**6.5.11.** Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.

- (2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.
- (3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.
- (4) Violations of the conditions of the permit.
- (5) Failure to provide advance notice of the transfer of the ownership of a permitted user.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.
- (7) Falsifying monitoring reports or tampering with monitoring equipment.
- (8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.
- (9) Failure to meet the requirements of a compliance schedule.

**6.5.12. Compliance schedules.**

- (1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.
- (2) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.
- (3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.
- (4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

**Section 6.6. Reporting Requirements:**

**6.6.1. Baseline monitoring reports.**

- (1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

(a) The name and address of the facility, including the name of the operator and owner.

(b) A list of any environmental control permits held by or for the facility.

(c) A brief description of the nature, average rate of production and SIC of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Categorical pretreatment standards; sampling results.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Town, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.

(f) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or pretreatment is required to meet the pretreatment standards and requirements.

(g) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.5.12 of this Ordinance.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

**6.6.2. Compliance schedule progress report.** The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

**6.6.3. Report on compliance with categorical pretreatment standard deadline.** Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Subsection 6.6(2)(d) through (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

**6.6.4. Periodic compliance reports.**

(1) All significant industrial users shall, at a frequency determined by the Town, but in no case less than twice per year in June and December, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or

estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

**6.6.5. Report of changed conditions.** Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.

(2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.

(3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.

(4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

**6.6.6. Reports of potential problems.**

(1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

**6.6.7. Notification of the discharge of hazardous waste.** In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

**6.6.8. Notice of violation/repeat sampling and reporting.** If sampling performed by a user or the POTW indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

**6.6.9. Analytical requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

**6.6.10. Sample collection.**

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

**6.6.11. Determination of noncompliance.** The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

**6.6.12. Timing.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall control.

**6.6.13. Recordkeeping.** Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying all records or information obtained pursuant to any monitoring activities, including documentation associated with BMPs, required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW or where the user has been specifically notified of a longer retention period by the Town.

**6.6.14. State requirements.** State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

**6.6.15. Reports from unpermitted users.** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

**6.6.16. Certification of permit applications, user reports and initial monitoring waiver.** The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Section 6.7. Compliance monitoring; right of entry.**

**6.6.1. Inspection and sampling.** The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

(1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.

(2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.

(3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.

(4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper

operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.

(5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.

(6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.

(7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.

(8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

**6.7.2. Administrative inspection warrants.** If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court, shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

#### **Section 6.8. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs and from the Town's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public but shall be made available immediately upon request to state and federal governmental agencies for uses related to the MEPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

#### **Section 6.9. Publication of users in significant noncompliance.**

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

#### **Section 6.10 Administrative Enforcement Remedies.**

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

**6.10.2. Notice of violation (NOV).** When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

**6.10.3. Consent orders.** The Town may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

**6.10.4. Show cause hearing.** The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Town or by registered or certified mail, return receipt requested, at least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

**6.10.5. Compliance orders.** When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.6. Cease and desist orders.**

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the POTW.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.7. Administrative fines.**



(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.8. Emergency suspensions.** The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

**6.10.9. Termination of discharge.**

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### **Section 6.11. Judicial enforcement remedies.**

**6.11.1. Injunctive relief.** When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **6.11.2. Civil penalties and criminal referral.**

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

(4) In determining the amount of civil liability, the court shall be asked to take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the

magnitude and duration, any economic benefit gained through the user's violation, corrective actions undertaken by the user, the compliance history of the user and any other factor as justice requires.

(5) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the POTW. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law which said person may be subject to for such action.

**6.11.3.** Filing a suit for civil penalties or making a criminal referral shall not be a bar against, or a prerequisite for, taking any other action against a user.

**6.11.4.** The Town reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law. Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the Town will cooperate in any such prosecutions.

**6.11.5.** The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

#### **Section 6.12. Supplemental enforcement action.**

**6.12.1.** Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

**6.12.2.** Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

**6.12.3.** Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

#### **Section 6.13. Affirmative defenses to discharge violations.**

##### **6.13.1.** Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.

[1] A description of the indirect discharge and cause of noncompliance;

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

**6.13.2 Prohibited discharge standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection. 6.3.2(3) through (18) and (20) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**6.13.3. Bypass.**

(1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

**BYPASS** - The intentional diversion of waste streams from any portion of a user's treatment facility.

**SEVERE PROPERTY DAMAGE** - Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections 6.13.3(3) and 6.13.3(4).

(3) Notice.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action.

(a) Bypass is prohibited, and the Town may take an enforcement action against a user for a bypass, unless:

[1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

[2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

[3] The user submitted notices as required under Subsection 6.13.3.(3).

(b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

## **ARTICLE 7 PROTECTION FROM DAMAGE**

**Section 7.1. Tampering with Town's Publicly Owned Works:** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or state law.

**Section 7.2. Contractor's Liability Insurance:** A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

## **ARTICLE 8 Town of Hampden Industrial/Commercial Enforcement Response Plan**

**Section 8.1. PURPOSE:**

The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hampden's Industrial Pretreatment Program and Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement

Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response:

- A). Magnitude of the violation;
- B). Duration of the violation;
- C). Effect of the violation on the receiving water;
- D). Effect of the violation on the Treatment Plant
- E). Compliance history of the Industrial User;
- F). Good faith efforts on the part of the Industrial User; and
- G). Degree of the Industrial User's responsibility for the violation.

## **8.2 SIGNIFICANT NON-COMPLIANCE:**

EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

**8.2.1. Chronic Violations-** Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

**8.2.2. Technical Review Criteria (TRC) Violations-** Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

**8.2.3. Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.**

**8.2.4. Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).**

**8.2.5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.**

**8.2.6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.**

**8.2.7.** Failure to accurately report any non-compliance with permit requirements.

**8.2.8.** Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

### **8.3 SELECTION OF ENFORCEMENT RESPONSES:**

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

**8.3.1.** The Town will locate the type of non-compliance in the first column (1) of the Response Guide.

**8.3.2.** Using column two (2), the Town will identify the most accurate description of the nature of the violation.

**8.3.3.** The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

- a). Passes through the Treatment Plant;
- b). Is directly responsible for causing a violation of the Town of Hampden NPDES/MEPDES permit, including its' water quality standards; or
- c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System; and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

- (5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.
  
- (6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.
  
- (7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

- 8.3.4.** Column four (4) designates personnel responsible for the action.
  
- 8.3.5.** The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.
  
- 8.3.6.** The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.
  
- 8.3.7.** The Town will document any Users' responses and the resolution of non-compliance.
  
- 8.3.8** The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.
  
- 8.3.9** The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

#### **Section 8.4 – ENFORCEMENT RESPONSE PLAN DEFINITIONS**

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.



NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also Serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment Program and/or Sewer Use Ordinance.

SECTION 8.5  
SELECTION OF ENFORCEMENT RESPONSES:  
TABLE 1

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
<b><u>A. ILLEGAL DISCHARGE</u></b>			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
2) Non-permitted discharge (expired permit)	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
<b><u>B. DISCHARGE PERMIT VIOLATIONS</u></b>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed	PC

fine of \$300-\$500.

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	
	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S
<u>C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS</u>			
1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV; AO issued within 14 days of detection.	PC
6) Failure to install monitoring equipment	Frequent or continued violation-SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution.	PC S
	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S
<b><u>D. COMPLIANCE SCHEDULE VIOLATIONS</u></b>			
1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
	Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
2) Failure to meet compliance schedule reporting requirements	Did not submit report, but did complete milestone.	Telephone call and NOV issued within 14 days of Detection.	PC
	Did not submit report or complete milestone.	NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC S
3) Missed final date	Good cause	Telephone call and NOV issued within 5 days of missed date.	PC
	30 days or more outstanding; failure or refusal to comply without good cause.	Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.	PC S
4) Reporting false information	Any instance SNC.	Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	S
<u><b>E. SPILL INCIDENTS</b></u>			
1) Spill incident	Reported and investigated	NOV issued at time of inspection; meeting requested within 14 days of detection; AO	PC
	Failure to report spill	NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.	PC
	Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	Judicial action; terminate service.	
<u><b>F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS</b></u>			
1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
2) Major violation of analytical procedures	No evidence of negligence or intent.	NOV; meting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.	PC
	Evidence of negligence or intent-SNC	AO or civil action and penalty; possible criminal prosecutions.	PC S
3) Minor violation of permit condition	No evidence of negligence or intent	NOV; AO for immediate corrective action required.	PC
	Evidence of negligence or intent	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S
4) Major violation of permit condition	Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	S
<u><b>G. OTHER PERMIT VIOLATIONS</b></u>			
1) Wastestreams are diluted	Initial violation	AO with fines	PC

## **ARTICLE 9 PENALTIES - Residential**

**Section 9.1. Violation of Sewer Ordinance:** Any person found to be violating any provision of this Ordinance, except Section 7.1, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 9.2. Fines:** Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

**Section 9.3. Alternate Penalties:** As an alternative, upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

**Section 9.4. Liabilities to the Town:** Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

## **ARTICLE 10 SEWER SERVICE CHARGE**

**Section 10.1. Establishment of a Sewer Service Charge:** The source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. That portion of the sewer service charge related to capital expenditures and retirement of debt service shall be made against all properties within the public sewage works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

**Section 10.2. Sewer Service Charge Rate:** Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council in accordance with the Town of Hampden Fees Ordinance.

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

**Section 10.3. Special Charge for Industrial Organizations:** A Special Sewer Service Charge shall be assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

**10.3.1. Additional Special Charge:** In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works in accordance with the Town of Hampden Fees Ordinance identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

**Section 10.4. Reserved Right to Charge Sewer Service Charge:** The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

**Section 10.5. Charge for Property Owners Outside Town Limits:** All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a sewer service charge in accordance with the Town of Hampden Fees Ordinance.



Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
Email:  
townmanager@hampdenmaine.gov

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: March 31, 2016

RE: Proposed Amendments to Fees Ordinance

---

In October 2015, the Council began the annual review of fees in the Fees Ordinance in accordance with the process prescribed in that Ordinance.

Since that time, the Sewer Fees were amended following public hearing.

Please find attached proposed amendments to several other sections of the Fees Ordinance. Some of these changes have been recommended by personnel responsible for administering different aspects of the Ordinance, and others resulted from my review and recommendations.

Two supporting memos – one from the Pool Director and one from the Code Enforcement Officer – are enclosed, and provide justification for the recommendations in corresponding sections of the Fees Ordinance.

At Monday's meeting, I'll recommend that the Council refer these proposed amendments to public hearing. A referral of the amendments to hearing would not be considered an endorsement of the proposed amendments, but rather would set a hearing date within which the merits of the proposals may be considered and the Council may take action to approve some or all of the amendments.

I am recommending this action because some of the amendments are time sensitive – including the need to adjust Pool fees in order to incorporate the costs of online registration and payment into user fees – and I'd prefer to see all proposed amendments considered within a single hearing in order to avoid incurring extra costs associated with legal notice of public hearing.



**Lura E. Hoit Memorial Pool**  
**146 Western Ave.**  
**Hampden, ME 04444**  
**(207) 862-4305**

Town of Hampden  
RECEIVED

MAR 24 2016

Office of the  
Town Manager

**To: Angus Jennings**  
**From: Darcey Peakall**  
**Re: Lura Hoit Pool Fees**

**I recommend the following fee increases to offset the costs for accepting credit/debit at the pool. In an effort to stay competitive I researched the Bangor YMCA fee structure (see attached).**

**Increase Hampden resident and non-resident three and six month memberships by 3%. Estimated projected revenue for six and three month increase would be \$598. I recommend no increase to annual memberships to encourage more patrons to commit to annual memberships. Currently we accept quarterly payments for annual memberships for an additional \$25 fee that is divided into the quarterly payments. MyRec.com will enable us to make automatic withdraw for quarterly payments and I recommend removing the additional \$25 fee.**

**I also recommend a 8% increase to non-resident swim lesson only. The increase would be a .50 per lesson increase for both non-resident member and non-member. The estimated projected revenue would be \$1,905 with no increase to Hampden residents for swim lessons.**

**There would also be a 3% increase for weekend pool rentals for both Hampden residents and non-residents. The estimated projected revenue would be \$495. The total estimated projected revenue for all the increases would be \$2998. This projected estimate is low and will most likely be much higher.**

Mailing Address: 106 Western Ave, Hampden, ME 04444  
lurahoitpool@hampdenmaine.gov

Lura Hoit Pool

Proposed Fee Increases estimated revenue

		Current	% Increase	Amount	Actual	Proposed	\$ Increase	#	# per Year	Projected Revenue
<b>8.2 Annual Resident Membership Fees:</b>										
8.2.1	Family	\$ 268.00		\$ -	\$ 268.00			19		
8.2.2	Single Adult	\$ 163.00		\$ -	\$ 163.00			9		
8.2.3	Youth/Teen	\$ 126.00		\$ -	\$ 126.00			0		
8.2.4	Senior	\$ 152.00		\$ -	\$ 152.00			11		
<b>8.3 Six Month Resident Membership Fees:</b>										
8.3.1	Family	\$ 163.00	3%	\$ 4.89	\$ 167.89	\$ 168.00	\$ 5.00	5	2	\$ 50.00
8.3.2	Single Adult	\$ 100.00	3%	\$ 3.00	\$ 103.00	\$ 103.00	\$ 3.00	1	2	\$ 6.00
8.3.3	Youth/Teen	\$ 79.00	3%	\$ 2.37	\$ 81.37	\$ 81.00	\$ 2.00	0	2	\$ -
8.3.4	Senior	\$ 95.00	3%	\$ 2.85	\$ 97.85	\$ 98.00	\$ 3.00	2	2	\$ 12.00
<b>8.4 Three Month Resident Membership Fees:</b>										
8.4.1	Family	\$ 100.00	3%	\$ 3.00	\$ 103.00	\$ 103.00	\$ 3.00	3	4	\$ 36.00
8.4.2	Single Adult	\$ 63.00	3%	\$ 1.89	\$ 64.89	\$ 65.00	\$ 2.00	6	4	\$ 48.00
8.4.3	Youth/Teen	\$ 53.00	3%	\$ 1.59	\$ 54.59	\$ 55.00	\$ 2.00	1	4	\$ 8.00
8.4.4	Senior	\$ 58.00	3%	\$ 1.74	\$ 59.74	\$ 60.00	\$ 2.00	0	4	\$ -
<b>8.5 Annual Non-Resident Membership Fees:</b>										
8.5.1	Family	\$ 294.00		\$ -	\$ 294.00			21		
8.5.2	Single Adult	\$ 189.00		\$ -	\$ 189.00			11		
8.5.3	Youth/Teen	\$ 152.00		\$ -	\$ 152.00			1		
8.5.4	Senior	\$ 179.00		\$ -	\$ 179.00			18		
<b>8.6 Six Month Non-Resident Membership Fees:</b>										
8.6.1	Family	\$ 179.00	3%	\$ 5.37	\$ 184.37	\$ 184.00	\$ 5.00	8	2	\$ 80.00
8.6.2	Single Adult	\$ 116.00	3%	\$ 3.48	\$ 119.48	\$ 119.00	\$ 3.00	5	2	\$ 30.00
8.6.3	Youth/Teen	\$ 95.00	3%	\$ 2.85	\$ 97.85	\$ 98.00	\$ 3.00	0	2	\$ -
8.6.4	Senior	\$ 110.00	3%	\$ 3.30	\$ 113.30	\$ 113.00	\$ 3.00	2	2	\$ 12.00

**Proposed Fee increases estimated revenue**

Proposed Fee Increases Summary										
		Current	% Increase	Amount	Actual	Proposed	\$ Increase	#	# per Year	Projected Revenue
8.7	Three Month Non-Resident Membership Fees:									
8.7.1	Family	\$ 110.00	3%	\$ 3.30	\$ 113.30	\$ 113.00	\$ 3.00	13	4	\$ 156.00
8.7.2	Single Adult	\$ 74.00	3%	\$ 2.22	\$ 76.22	\$ 76.00	\$ 2.00	8	4	\$ 64.00
8.7.3	Youth/Teen	\$ 63.00	3%	\$ 1.89	\$ 64.89	\$ 65.00	\$ 2.00	0	4	\$ -
8.7.4	Senior	\$ 68.00	3%	\$ 2.04	\$ 70.04	\$ 70.00	\$ 2.00	12	4	\$ 96.00
							TOTAL			\$ 598.00
8.8	Daily swim fee for non-members:									
8.8.1	Single Swim - Resident	\$ 4.00				\$ 4.00				
8.8.2	Single Swim - Non-Resident	\$ 5.00				\$ 5.00				
8.8.3	Resident 12 Use Punch Card	\$ 36.00				\$ 36.00				
8.8.4	Non-Resident 12 Use Punch Card	\$ 48.00				\$ 48.00				
8.9	Resident Swim Lessons									
8.9.1	Members	\$ 4.50		\$ -	\$ 4.50	\$ 4.50				
8.9.2	Non-Member	\$ 6.00		\$ -	\$ 6.00	\$ 6.00				
8.10.	Non-Resident Swim Lessons									
8.10.1	Members (per class)	\$ 6.00	8%	\$ 0.48	\$ 6.48	\$ 6.50				
8.10.2	Non-Members (per class)	\$ 7.50	8%	\$ 0.60	\$ 8.10	\$ 8.00	\$ 23,814.00	8%		\$ 1,905.12
8.11	Private Swim Lessons									
8.11.1	Resident Member (per class)									
	1 Child	\$ 15.00				\$ 15.00				
	2 Children	\$ 20.00				\$ 20.00				
8.11.2	Resident Non-Member (per class)									
	1 Child	\$ 20.00				\$ 20.00				
	2 Children	\$ 25.00				\$ 25.00				
8.11.3	Non-resident Member (per class)									
	1 Child	\$ 20.00				\$ 20.00				
	2 Children	\$ 25.00				\$ 25.00				

Lura Holt Pool

Proposed Fee Increases estimated revenue

		Current	% Increase	Amount	Actual	Proposed	\$ Increase	#	# per year	Projected Revenue
8.11.4	Non-resident Non-member									
	1 Child	\$ 25.00				\$ 25.00				
	2 Children	\$ 30.00				\$ 30.00				
8.14.	Adult Aqua Exercise Drop In Fee:									
8.14.1	Residents	\$ 4.00				\$ 4.00				
8.14.2	Non-residents	\$ 5.00				\$ 5.00				
8.16.	Pool & Facility Rental Fees (per hour)									
8.16.1	Resident Pool Rental (30 total guests)	\$ 75.00	3%	\$ 2.25	\$ 77.25	\$ 77.00				
8.16.2	Resident Lounge Rental	\$ 20.00				\$ 20.00				
8.16.3	Non-resident Pool Rental (30 total guests)	\$ 91.00	3%	\$ 2.73	\$ 93.73	\$ 94.00	\$ 16,519.00	3%		\$ 495.57
8.16.4	Non-resident Lounge Rental	\$ 25.00				\$ 25.00				
8.16.5	Additional 10 Guests (As required by rules)	\$ 15.00				\$ 15.00				
8.17.	Swim Diaper	\$ 1.00				\$ 1.00				
TOTAL										\$ 2,998.69



# Hampden Public Safety

Emergency Services Working Together

106 Western Avenue  
Hampden, ME 04444

Phone: 207-862-4000

Email: [publicsafety@hampdenmaine.gov](mailto:publicsafety@hampdenmaine.gov)

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Director of Public Safety  
Kandy A. McCullough  
Administrative Assistant

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Sergeant/SRO  
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Christian D. Bailey  
Sergeant  
Joel Small  
Police Officer  
Joseph D. Burke  
Police Officer/MDEA  
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Police Officer  
Shawn F. Devine  
Police Officer  
Marc Egan  
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William Miller  
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Jeffrey L. Rice  
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Lieutenant/Fire Inspector  
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Lieutenant/Paramedic  
Matthew St. Pierre  
Lieutenant/Paramedic  
Myles Block  
CEO/Paramedic  
Jared LeBarnes  
Building Inspector/Paramedic  
Joseph Dunton  
Paramedic/Chaplain  
Matthew Thomas  
FF/Paramedic  
Shaun McNally  
FF/Paramedic  
Aaron Jellison  
FF/Paramedic  
Matthew Roope  
FF/Paramedic

## Memorandum

To: Angus Jennings, Town Manager

From: Myles Block, Code Enforcement Officer *MB*

Date: March 21, 2015

CC: Chief Joseph Rogers, Public Safety Director  
Lt. Jason Lundstrom, Fire Inspector  
Jared LeBarnes, Building Official  
Dean Bennett, Director of Community and Economic Development  
Rosemary Bezanson, Administrative Assistant

Re: Fee Ordinance Amendments

Town of Hampden  
RECEIVED

MAR 21 2015

Office of the  
Town Manager

The attached shows the proposed fees increased proposed by the Code Enforcement Office. The overwhelming drive for the fees increase is for the Town to be compensated for the staff time it takes to review different Code Enforcement, Planning Board, and other permits and applications processed by the Town. This also takes into account the increased review and inspections needed because of the Maine Uniform Building and Energy Code requirements and other expenses.

Article 2.5 – Increases the application fee for Floodplain Management Application to \$100. This increase is to allow for 2-3 hours of Staff Time for review.

Article 2.7 – Add section for cost of public notices and mailings.

Article 2.8 – Increase to allow for 5 hours of staff time for inspections and file review for the annual inspection. The inspection requires the Fire Inspector and Code Enforcement Officer and takes 1.5 – 2 hours of inspection time.

Article 2.12 – Increases minimum base fee to \$200 for staff time for preparing Planning Board Hearings and Staff review prior to Planning Board meeting and a process to charge for the cost of public notices and mailings.

Article 2.13 – Increase allows for staff time of 2 hours for the Code Enforcement Officer and Fire Inspector to conduct inspections, 0.5 hours to process the application and a process to charge for the cost of public notices and mailings.



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*FF/Paramedic*

Aaron Jellison  
*FF/Paramedic*

Matthew Roope  
*FF/Paramedic*

## Article 2.16

2.16.1.1 These changes reflect a way to charge for building permits based on a national standard of per sq foot cost. The building valuation table being used is the current one being used in the City of Bangor. The fee multiplier, however, is lower than Bangor's which is 0.0075. In the future based on our own building value increase and direction from the Council on how much of the Code Enforcement budget they would like to see covered by Building Permit fees we can adjust the multiplier or building valuation table accordingly. This amendment also gives direction to the Code Enforcement Officer and Council to review the fees annually.

2.16.1.2 This amendment also increases the base fees and sq footage charge for Alterations. Alterations are tricky in that it requires a long review for code compliance and code modifications by the Building Official and is individual for each project. These project are each unique and normally require on-site review prior to issuing the permit and require inspections during construction.

2.16.1.3 Residential Sheds and Accessory Structures which are under 200sqft do not require a permit under MUBEC so this fee takes into account zoning review and an inspection for placement and ordinance requirements. MUBEC requires a permit for commercial accessory structures 120sqft or more, anything under that would require a zoning review, possibly a minor site plan revision, and placement and requirement inspection.

2.16.1.4 Aligns with accessory structures.

2.16.1.5 MUBEC require fences over 6' have a permit, aligns with accessory structures.

2.16.2 All changes in this section reflect staff time needed for review of the permits. In consultation with the PWD he wants to inspect the sewer disconnection for building demos that have a connection. Earth moving permits have 2 paths, CEO review for certain conditions and Planning Board for others. The fees are for staff review and the new standard Planning Board fee of \$200 as a base for the material and staff time needed to prepare for Planning Board Meetings.

2.16.3 Aligns with minimum permit fees above

2.16.4 Increase needed for inspection time for CEO and Fire Inspector for these inspections and for code research that is generally project specific.

2.16.5 Gives an hourly rate for reinspections if needed if the reinspection is needed because of a fault of the permittee or agent. Hourly rate as set by the PSD for special duty assignments.



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Matthew Roope  
*FF/Paramedic*

2.16.8 Increases the minimum fee for BOA applications for staff time to prepare for meetings, materials production for the meeting this also give a way to recoup the cost of public notices and mailings required.

2.16.10.1 Sets the fee to the minimum Planning Board fee of \$200

2.16.10.2 Sets fee to compensate for staff time needed to review major projects

2.16.10.3 Moves fee to \$300

2.16.10.4 Provides place to charge for public notices and mailings

2.16.12.4 Sets draw account for peer review for construction documents if the town deems necessary.

Article 2.17 Adds a fee section for Shoreland Zoning Permits. These costs were previously part of the building permit fee but these projects take time and extensive research and on-site inspections to ensure compliance with Shoreland Zoning local and State requirements.

Article 2.18 Adds fee section for Driveway entrance and E911 addressing. Both of these actions take 2 staff on-site for inspection of driveway location, determination of culvert size and GPS location for accurate addressing.



The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be adopted.

Additions underlined

Deletions ~~stricken~~

**2.5. Floodplain Management Ordinance**

- |        |                 |                                                                                                                                                                                                                                                                    |
|--------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.5.1. | Application Fee | <del>\$75.00</del> <u>100.00</u>                                                                                                                                                                                                                                   |
| 2.5.2. | Experts Fee     | \$500.00 horizontal review<br>\$1,000.00 vertical review and<br>horizontal review.<br>This is a draw account<br>established for a professional to<br>establish flood elevation data<br>where possible. Any unspent<br>funds are to be returned to the<br>applicant |

**2.7. Historic Preservation Ordinance**

- |        |                                                |          |
|--------|------------------------------------------------|----------|
| 2.7.1. | Certificate of Appropriateness Application Fee | \$75.00  |
| 2.7.2  | Historic Site or Landmark Designation Ap, Fee  | \$150.00 |
| 2.7.3  | Cost for public notices and mailings           | at cost  |
- (Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

**2.8. Mobile Home Park Ordinance**

- |        |                                                                                                                                                                                                   |                                |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 2.8.1. | Annual Mobile Home Park License<br><i>(This includes application review, initial<br/>inspection of premises and a follow-up<br/>inspection).</i>                                                  | <del>\$150</del> <u>200.00</u> |
| 2.8.2. | Additional Inspection Fee<br><i>(If the town needs to perform additional inspections<br/>as a result of applicant deficiencies, each inspection<br/>will be charged prior to the inspection).</i> | <del>\$100</del> <u>200.00</u> |

**2.12. Subdivision Ordinance**

- |         |                                                                                               |                                                                                                           |
|---------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 2.12.1. | Subdivision Sketch Plan                                                                       | No Charge                                                                                                 |
| 2.12.2. | Minor Subdivision<br><i>(Less than 5 lots and no public improvements).</i>                    | <del>\$35</del> <u>200.00</u> plus \$20.00/acre                                                           |
| 2.12.3. | Minor Subdivision Review/Inspection Draw                                                      | not required.                                                                                             |
| 2.12.4. | Major Subdivision Preliminary Plan<br><i>(Five or more lots and /or public improvements).</i> | <del>\$85</del> <u>200.00</u> plus \$50.00/acre plus<br>\$1,000.00 peer technical review<br>draw account. |

- 2.12.5. Major Subdivision Final Plan  
(Review/Inspection Draw Account) Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.
- 2.12.6. Major Subdivision Final Plan  
(Mobile Home Park Construction Review/Inspection Draw Account) Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.
- 2.12.7 Cost for public notices and mailings at cost  
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

**2.13. Victualers Ordinance** (Amended 6/15/09)

- 2.13.1. Victualers License Application
- 2.13.1.1 (Public hearing not required) not required) \$ 50100.00
- 2.13.1.2 (Public hearing is required) \$125150.00
- 2.13.1.3 Cost for public notices and mailings at cost  
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

*(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).*

The above fees include all inspections required by Town of Hampden Victualers Ordinance. If an inspection is performed and the Code Enforcement Officer or Fire Inspector, or their alternate, believe a reinspection is needed because of a fault of the applicant or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of the Victualers License.

**2.16. Zoning Ordinance**

- 2.16.1. Building Permit Applications for all Construction — \$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc.
- 2.16.1.1 All new construction (residential and commercial) and addition (residential and commercial) permit fee shall be based on a fee multiplier of 0.0025 multiplied against total construction costs derived from appropriate calculations pursuant to the adopted ICC type of construction method/permit fees Building Valuation Data as presented to the Town of Hampden Council each year, in June, by the Code Enforcement Officer or Building Official. The fee multiplier will be reviewed on an annual basis in June. The initial Building Valuation Data shall be based on the February 2012 table on file in the Code Enforcement Office.

The permit fee will = gross floor area x type of construction cost per table x fee multiplier.

(Example: Basement - 1952 ft<sup>2</sup>, 1<sup>st</sup> Floor - 1952 ft<sup>2</sup>, Decks - 168 ft<sup>2</sup>, Sunroom - 216 ft<sup>2</sup>, Unheated garage - 672 ft<sup>2</sup>. Total Square feet (minus unheated garage) = 4288 ft<sup>2</sup>

Conditioned Space - 4288 x 103.92 x 0.0025 = 1114.02

Unheated Garage - 672 x 39.44 x 0.0025 = 66.26

Permit Fee - 1114.02+66.26= \$1180.28)

2.16.1.2 Alteration permit (residential) - \$100.00 + \$0.15 square foot area altered

Alteration permit (commercial) - \$200.00 + \$0.20 square foot area altered

2.16.1.3 Sheds and accessory structures under 200 ft<sup>2</sup> (residential) - \$50.00

Sheds and accessory structures under 120 ft<sup>2</sup> (commercial) - \$100.00

2.16.1.4 Swimming Pool, as defined in Zoning Ordinance, (residential) - \$50.00

2.16.1.5 Fence over 6 feet - \$50.00

*(Plumbing Permit Application)*

*State Regulated*

2.16.2. Demolition/Earth Moving Permit Application \$25.00

2.16.2.1 Demolition (residential-with sewer connection) \$100.00

2.16.2.2 Demolition (residential-no sewer connection) \$50.00

2.16.2.3 Demolition (commercial) \$150.00

2.16.2.4 Earth Moving (Code Enforcement Issued) \$100.00

2.16.2.5 Earth Moving (Planning Board Issued) \$200.00

2.16.3. Sign Permit Application \$250.00 per sign

2.16.4. Certificate of Compliance Application \$50100.00

*(Change of use, resumption of use, new use without building permit application)*

*The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.*

2.16.5. Additional Final-Inspections \$25.0035.77 per hour per inspector up to 50% of cost of building permit

*(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).*

2.16.8. Zoning Board of Appeals Variance Application

2.16.8.1. General Variance \$100250.00

2.16.8.2. Dimensional Variance \$100250.00

2.16.8.3. Disability Variance Free

2.16.8.4. Administrative Appeal Application \$100250.00

2.16.8.5. Cost for public notices and mailings at cost

(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

2.16.9.	Zoning Ordinance Map or Text Amendment Request	\$650.00
2.16.10.	Site Plan Review Applications	
2.16.10.1.	Minor Development <i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i>	<del>\$75</del> 200.00
2.16.10.2.	Major Development <i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i>	<del>\$500</del> 1000.00
2.16.10.3.	All Others	<del>\$150</del> 300.00
2.16.10.4.	Cost for public notices and mailings	at cost

(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

**2.16.12. Peer Technical Review Draw Accounts**

*(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).*

2.16.12.1.	Engineering Analysis <i>(Where the staff or planning board requires an Engineering Analysis based on any on-site or off-site impacts).</i>	\$600.00.
2.16.12.2.	Stormwater Analysis <i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	\$500.00.
2.16.12.3.	Traffic Analysis <i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	\$1,000.00.
2.16.12.4	Construction Document Review <u><i>(Where the staff requires review of the submitted construction documents for</i></u>	\$1,000.00

code compliance, engineering analysis,  
or other review deemed necessary)

The above application fees include all inspections required by Town of Hampden Zoning Ordinance and Maine Uniform Building and Energy Code. If an inspection is called for and the Code Enforcement Officer, Local Plumbing Inspector, Building Official, or their alternate, believe a reinspection is needed because of a fault of the permittee or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of a Certificate of Compliance.

## **2.17. Shoreland Zoning Ordinance**

### **2.17.1 Shoreland Zoning Permit Application**

<u>2.17.1.1 Code Enforcement Officer Issued Permit</u>	<u>\$100.00</u>
<u>2.17.1.2 Planning Board Issued Permit</u>	<u>\$200.00</u>
<u>2.17.1.2.1 Cost for public notices and mailings</u>	<u>at cost</u>
<u>2.17.1.3 Local Plumbing Inspector Issued Permit</u>	<u>\$100.00</u>

(Any "at cost" fee must be paid to the Town before the issuance of any approved permit, variance, or action on a board order will be undertaken)

## **2.18. E911 Addressing Ordinance**

<u>2.18.1 Driveway Entrance /e911 Address Permit</u>	<u>\$50.00</u>
------------------------------------------------------	----------------

cost per sqft

[illegible]

## **TOWN OF HAMPDEN**

**Draft**

D-2-C

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Fees Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

### **TOWN OF HAMPDEN, MAINE FEES ORDINANCE**

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<u>AND SEWER CONNECTION FEE SCHEDULE</u>	

- ADOPTED: Hampden Town Council October 20, 1986  
Effective: November 19, 1986
- AMENDED: Hampden Town Council December 7, 1987  
Effective: January 5, 1988
- AMENDED: Hampden Town Council March 21, 1991  
Effective: April 21, 1991
- AMENDED: Hampden Town Council July 6, 1993  
Effective: August 5, 1993
- AMENDED: Hampden Town Council December 20, 1993  
Effective: January 19, 1994
- AMENDED: Hampden Town Council May 6, 1996  
Effective: June 6, 1996
- AMENDED: Hampden Town Council February 7, 1998  
Effective: March 18, 1998
- AMENDED: Hampden Town Council November 17, 2003  
Effective: December 17, 2003

AMENDED:	Hampden Town Council March 21, 2005 Effective: April 20, 2005	
AMENDED:	Hampden Town Council April 4, 2005 Effective: May 4, 2005	
AMENDED:	Hampden Town Council October 6, 2008 Effective: November 5, 2008	
AMENDED:	Hampden Town Council June 15, 2009 Effective: July 15, 2009	
AMENDED:	Hampden Town Council August 3, 2009 Effective: September 2, 2009	
AMENDED:	Hampden Town Council January 19, 2010 Effective: February 18, 2010	
AMENDED:	Hampden Town Council September 19, 2011 Effective: October 19, 2011	8.8.4, 8.9, 8.10, 8.11, 8.15, 8.16.1, 8.16.3, 8.16.5 (new 8.11 added and remainder of Article 8 re-numbered)
AMENDED:	Hampden Town Council April 23, 2012 Effective: May 23, 2012	New 1.13 added and remainder of Article 1 re-numbered, 3.5, 3.6, 3.7, 3.8, 7.2, 7.3, added 7.4 and 7.5
AMENDED:	Hampden Town Staff, November 27, 2012 Effective: December 27, 2012	Deleted Article 8.12 and 8.13
AMENDED:	Hampden Town Council, April 22, 2014 Effective: May 22, 2014	Articles 6.2, 6.3 and 6.4
AMENDED:	Hampden Town Council, September 2, 2014 Effective: October 2, 2014	Articles 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, and 8.16
AMENDED:	Hampden Town Council, December 1, 2014 Effective: December 31, 2014	Articles 3.1, 3.3, 3.5, 3.7 and 3.8; 3.9 and corrected numbering of Article 3; and Articles 4.2, and 4.4
AMENDED:	Hampden Town Council, February 16, 2016 Effective March 17, 2016	Article 2.9
AMENDED:	<u>Hampden Town Council, [DATE], 2016</u> <u>Effective [DATE], 2016</u>	<u>Articles [INSERT AMENDED ARTICLES]</u>

CERTIFIED BY: \_\_\_\_\_  
Paula Scott, Town Clerk

Affix Seal



**TOWN OF HAMPDEN, MAINE  
FEES ORDINANCE**

The Town of Hampden hereby ordains:

In addition to those Town fees and charges, the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

**ARTICLE 1  
ADMINISTRATION**

*Amended 11-17-03, 3-21-05, 6-15-09; 4-23-12*

<b>1.1. Business or Corporation filing</b>	State Regulated
<b>1.2. Copy of Certificate (marriage/birth/death)</b>	State Regulated
<b>1.3. Copy of Subdivision Ordinance</b>	At Cost
<b>1.4. Copy of Zoning Ordinance</b>	At Cost
<b>1.5. Copy of other ordinances</b>	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
<b>1.6. Photocopies</b>	
1.6.1. 8½ inch x 11 inch or smaller	\$0.25/page
1.6.2. 8½ inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
<b>1.7. Marriage License</b>	State Regulated
<b>1.8. Notary Fee</b>	<u>Free for Hampden residents</u> <u>\$3.00 for non-residents</u>
<b>1.9. Record Search</b>	<u>\$15.00/hour (for hours over 1)</u>
<b>1.10. Recording of Pole Permits</b>	
1.10.1. 1 <sup>st</sup> page	\$2.00
1.10.2. Additional pages	\$1.00/page
<b>1.11. Tax Maps</b>	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
<b>1.12. Compact Disk copies of ordinances or documents</b>	\$5.00
<b>1.13. DVD copies of recorded meetings (Added 4/23/12)</b>	\$3.00
<b>1.14. Liquor License (Amended 6/15/09)</b>	
(Public hearing not required)	\$ 50.00
(Public hearing is required)	\$125.00
<b><u>1.14. Incoming Faxes</u></b>	<u>\$1.00/page</u>

## ARTICLE 2 FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE *Amended 11-17-03, 3-21-05, 6-15-09, 8-3-09*

- 2.1. Animal Control Ordinance**
- 2.1.1. Animal Impoundment Fee \$30.00 for each offense.
- 2.2. Cable Television Ordinance**
- 2.2.1. Initial Franchise Application Filing Fee \$500.00
- 2.2.2. Renewal Franchise Application Filing Fee \$500.00
- 2.2.3. Modification of a Franchise Agreement \$500.00
- 2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**
- 2.3.1. Lot Fees including perpetual care.
- 2.3.1.1. Resident ~~\$200.00~~ \$325.00
- 2.3.1.2. Resident - Infant or Cremation ~~\$200.00~~ \$325.00
- 2.3.1.3. Non-Resident ~~\$300.00~~ \$450.00
- 2.3.1.4. Non-Resident Infant or Cremation ~~\$300.00~~ \$450.00
- 2.3.2. Interment fees
- 2.3.2.1. Grave Openings Weekdays Adult ~~\$250.00~~ \$400.00
- 2.3.2.2. Grave Openings Weekdays Infant or Cremation \$125.00
- 2.3.2.3. Grave Openings Weekends or Holidays Adult ~~\$350.00~~ \$600.00
- 2.3.2.4. Grave Openings Weekends or Holidays \$200.00
- Infant or Cremation
- 2.3.3. Town Crypt Fees
- 2.3.3.1. Resident Free
- 2.3.3.2. Non-Resident ~~\$25.00~~ \$50.00
- 2.3.4. Disinterment ~~\$800.00~~ \$1,000.00
- 2.3.5. Vault Cremation ~~\$250.00~~ \$400.00
- 2.3.6. Public Works Dept. Labor After 3:00 PM ~~\$25.00/hour~~ \$35.00/hour
- 2.4. Concourse Gathering Ordinance**
- 2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**
- 2.5.1. Application Fee ~~\$75.00~~ \$100.00
- 2.5.2. Experts Fee \$500.00 horizontal review  
\$1,000.00 vertical review and horizontal review.  
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
- 2.5.3. Cost for public notices and mailings  
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken). At cost

<b>2.6. Harbor Ordinance</b>	
2.6.1. Overnight tie up to public float	<del>\$0.40 per ft. boat hull length.</del> <u>N/A</u>
2.6.2. Private mooring	<del>\$25.00 annual fee.</del> <u>N/A</u>
<b>2.7. Historic Preservation Ordinance</b>	
2.7.1. Certificate of Appropriateness Application Fee	\$75.00
2.7.2. Historic Site or Landmark Designation <u>Application</u> Fee	\$150.00
2.7.3. <u>Cost of public notices and mailings</u>	<u>At cost</u>
<b>2.8. Mobile Home Park Ordinance</b>	
2.8.1. Annual Mobile Home Park License <i>(This includes application review, initial inspection of premises and a follow-up inspection).</i>	<del>\$150.00</del> <u>\$200.00</u>
2.8.2. Additional Inspection Fee <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i>	<del>\$100.00</del> <u>\$200.00</u>
<b>2.9. Sewer Ordinance</b> <i>(Amended 8/3/09; 2/16/16)</i>	
2.9.1. Sewer Service Charge Rate <i>(Amended 8/3/09)</i>	\$9.74 per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1. Sewer Charge Flat Rate Town Water No Meter	\$108.56
2.9.1.2. Sewer Charge Flat Rate Well Water No Meter	\$178.19
2.9.2. Sewer Service Capital Charge	
2.9.2.1. Base Rate for 1 to 2,999 c.f.w. consumed	\$0.00
2.9.2.2. 3,000 to 5,999 c.f.w. consumed (double base)	\$0.00
2.9.2.3. 6,000 to 8,999 c.f.w. consumed (triple base)	\$0.00
2.9.2.4. Other c.f.w. amount	\$0.00
2.9.3. Sewer Service Minimum Charge Rate	\$30.62
2.9.4. Sewer Service "Ready to Serve" Charge	\$30.62
2.9.5. Special Sewer Service Charge	As determined by Town Council.
2.9.6. Sewer Service Charge Rate Outside Town Limits	As determined by Town Council.
<b>2.10. Solid Waste Flow Control Ordinance</b>	
2.10.1. License Application Fee	\$10.00
2.10.2. Annual License Fee Per Vehicle	\$25.00
<b>2.11. Special Amusement Ordinance</b>	
2.11.1. Permit Application Fee	\$50.00
<b>2.12. Subdivision Ordinance</b>	
2.12.1. Subdivision Sketch Plan	No Charge
2.12.2. Minor Subdivision <i>(Less than 5 lots and no public improvements).</i>	<del>\$35.00</del> <u>200.00</u> plus \$20.00/acre
2.12.3. Minor Subdivision Review/Inspection Draw	not required.

2.12.4. Major Subdivision Preliminary Plan (Five or more lots and /or public improvements).	<del>\$85.00</del> <u>200.00</u> plus \$50.00/acre plus \$1,000.00 peer technical review draw account <u>or in such greater amount as determined based on type of peer review needed (i.e. traffic, stormwater etc).</u>
2.12.5. Major Subdivision Final Plan (Review/Inspection Draw Account)	<del>\$200.00</del> plus <del>\$\$50.00/acre</del> <u>Fee Peer technical review draw account</u> based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.
2.12.6. Major Subdivision Final Plan (Mobile Home Park Construction Review/Inspection Draw Account)	<del>\$200.00</del> plus <del>\$\$50.00/acre</del> <u>Fee Peer technical review draw account</u> based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.
2.12.7. <u>Cost for public notices and mailings</u>	<u>At cost</u>

**2.13. Victualers Ordinance** (Amended 6/15/09)

2.13.1. Victualers License Application { <u>2.13.1.1.</u> Public hearing not required)	<del>\$ 50.00</del> <u>\$100.00</u>
<u>2.13.1.2.</u> (Public hearing is required)	<del>\$125.00</del> <u>\$150.00</u>
<u>2.13.1.3.</u> Cost for public notices and mailings	<u>At cost</u>

The above fees ~~(This includes public notice and initial~~ all inspections required by Town of Hampden Victualers Ordinance. of premises. If an inspection is performed and the Code Enforcement Officer or Fire Inspector, or their alternate, believe a reinspection is needed because of a fault of the town needs to perform additional inspections as a result of applicant or agent then a fee per 2.16.5 deficiencies, each inspection will be charged \$50.00 and due prior to the inspection) issuance of the Victualers License.

**2.14. Waste Disposal Facility Licensing Ordinance**

2.14.1. Application Fee	\$50,000.00
<i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i>	

**2.15. Yard Sale Ordinance**

2.15.1. Permit Fee	\$5.00
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## 2.16. Zoning Ordinance

2.16.1. Building Permit Applications for all Construction — ~~\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas; basements, attics, decks, pools, porches, sheds, garages, etc.~~

2.16.1.1. All new construction (residential and commercial) and addition (residential and commercial) permit fee shall be based on a fee multiplier of 0.0025 multiplied against total construction costs derived from appropriate calculations pursuant to the adopted ICC type of construction method/permit fees Building Valuation Data as presented to the Town of Hampden Council each year, in June, by the Code Enforcement Officer or Building Official. The fee multiplier will be reviewed on an annual basis in June. The initial Building Valuation Data shall be based on the February 2012 table on file in the Code Enforcement Office.

The permit fee will = gross floor area x type of construction cost per table x fee multiplier.

(Example: Basement: 1,952 sq. ft., 1<sup>st</sup> Floor: 1,952 sq. ft., Decks: 168 sq. ft., Sunroom: 216 sq. ft., Unheated garage: 672 sq. ft. Total Square feet (minus unheated garage): 4,288 sq. ft.

Conditioned Space: 4,288 x 103.92 x 0.0025 = 1,114.02

Unheated Garage: 672 x 39.44 x 0.0025 = 66.26

Permit Fee: \$1,114.02 + \$66.26 = \$1,180.28)

2.16.1.2 Alteration permit (residential) - \$100.00 + \$0.15 square foot area altered  
Alteration permit (commercial) - \$200.00 + \$0.20 square foot area altered

2.16.1.3 Sheds and accessory structures under 200 ft<sup>2</sup> (residential): \$50.00  
Sheds and accessory structures under 120 ft<sup>2</sup> (commercial): \$100.00

2.16.1.4 Swimming Pool, as defined in Zoning Ordinance, (residential): \$50.00

2.16.1.5 Fence over 6 feet: \$50.00

(Plumbing Permit Application)

State Regulated

2.16.2. Demolition/Earth Moving Permit Application	<del>\$25.00</del>
<u>2.16.2.1 Demolition (residential-with sewer connection)</u>	<u>\$100.00</u>
<u>2.16.2.2 Demolition (residential-no sewer connection)</u>	<u>\$50.00</u>
<u>2.16.2.3 Demolition (commercial)</u>	<u>\$150.00</u>
<u>2.16.2.4 Earth Moving (Code Enforcement Issued)</u>	<u>\$100.00</u>
<u>2.16.2.5 Earth Moving (Planning Board Issued)</u>	<u>\$200.00</u>

2.16.3. Sign Permit Application ~~\$25.00~~ \$50.00 per sign

2.16.4. Certificate of Compliance Application ~~\$50.00~~ \$100.00  
(Change of use, resumption of use, new use without

*building permit application)*

~~The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.~~

- |                                                                                                                                                              |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.16.5. Additional Final Inspections                                                                                                                         |  | <del>\$25.00</del> <u>35.00</u> per hour per                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i> |  | <u>inspector up to 50% of cost of building permit</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.16.8. Zoning Board of Appeals Variance Application                                                                                                         |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.16.8.1. General Variance                                                                                                                                   |  | <del>\$100.00</del> <u>\$250.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.16.8.2. Dimensional Variance                                                                                                                               |  | <del>\$100.00</del> <u>\$250.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.16.8.3. Disability Variance                                                                                                                                |  | Free                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.16.8.4. Administrative Appeal Application                                                                                                                  |  | <del>\$100.00</del> <u>\$250.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.16.8.5. Cost for public notices and mailings                                                                                                               |  | <u>At cost</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.16.9. Zoning Ordinance Map or Text Amendment Request                                                                                                       |  | \$650.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                              |  | <u>Applicant responsible for costs of public notices and mailings.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2.16.10. Site Plan Review Applications                                                                                                                       |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.16.10.1. Minor Development                                                                                                                                 |  | <del>\$75.00</del> <u>\$200.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                              |  | <i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.16.10.2. Major Development                                                                                                                                 |  | <del>\$500.00</del> <u>\$1,000.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                              |  | <i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.16.10.3. All Others                                                                                                                                        |  | <del>\$150.00</del> <u>\$300.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.16.10.4. Cost for public notices and mailings                                                                                                              |  | <u>At cost</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.16.11. Commercial Secure Landfill Applications                                                                                                             |  | \$0.005/cubic yard of capacity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                              |  | <i>(Application to expand or construct a Commercial Secure Landfill in addition to the above fees).</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.16.11.1. Cost for public notices and mailings                                                                                                              |  | <u>At cost</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.16.12. Peer Technical Review Draw Accounts                                                                                                                 |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                              |  | <i>(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).</i> |
| 2.16.12.1. Engineering Analysis                                                                                                                              |  | <del>\$600.00.</del> <u>\$1,000.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                              |  | <i>(Where the staff or planning board requires an Engineering Analysis</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

2.16.12.2.	Stormwater Analysis <i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	\$500.00.
2.16.12.3.	Traffic Analysis <i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	\$1,000.00.
2.16.12.4.	<u>Construction Document Review</u> <u><i>(Where the staff requires review of the submitted construction documents for code compliance, engineering analysis, or other review deemed necessary).</i></u>	<u>\$1,000.00</u>

The above application fees include all inspections required by Town of Hampden Zoning Ordinance and Maine Uniform Building and Energy Code. If an inspection is called for and the Code Enforcement Officer, Local Plumbing Inspector, Building Official, or their alternate, believe a reinspection is needed because of a fault of the permittee or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of a Certificate of Compliance.

## 2.17. Shoreland Zoning Ordinance

2.17.1	Shoreland Zoning Permit Application	
2.17.1.1	Code Enforcement Officer Issued Permit	\$100.00
2.17.1.2	Planning Board Issued Permit	\$200.00
2.17.1.2.1	Cost for public notices and mailings	at cost
2.17.1.3	Local Plumbing Inspector Issued Permit	\$100.00
	<u><i>(Any "at cost" fee must be paid to the Town before the issuance of any approved permit, variance, or action on a board order will be undertaken)</i></u>	

## 2.18. E911 Addressing Ordinance

2.18.1	Driveway Entrance /e911 Address Permit	\$50.00
--------	----------------------------------------	---------

**ARTICLE 3  
FIRE DEPARTMENT**  
*Amended 11-17-03, 4-4-05; 4-23-12; 12-1-14*

- 3.1. DELETED** *(Amended 12-1-14)*
- 3.2. Report Copies** \$10.00
- 3.3. DELETED** *(Amended 12-1-14)*
- 3.4. Fee for pumping: 1 time emergency** Free
- 3.5. DELETED** *(Amended 12-1-14)*
- 3.6. Advanced Life Support 1 Rates** *(Amended 4-23-12)*
- 3.6.1. ALS 1 Base Rate \$685.00
- 3.6.2. ALS 2 Base Rate \$885.00
- 3.6.3. ALS Non-Emergency Rate \$475.00
- 3.6.4. ALS Mileage \$ 17.00
- 3.6.5. ALS Backup Fee \$100.00
- 3.7. Basic Life Support Rates** *(Amended 4-23-12; 12-1-14)*
- 3.7.1. BLS Base Rate \$550.00
- 3.7.2. BLS Non-Emergency Rate \$450.00
- 3.7.3. DELETED *(Amended 12-1-14)*
- 3.7.4. BLS Mileage \$ 17.00
- 3.8. Ambulance Stand-by fee for special events** \$143.06 per EMS staff member  
*(Amended 4-23-12; 12-1-14)* per 0 to 4 hour event. Each  
additional 0 to 4 hour event  
shall be billed at an additional  
\$143.06 per EMS staff member.
- 3.9. DELETED** *(Amended 12-1-14)*



**ARTICLE 4**  
**POLICE DEPARTMENT**  
*Amended 11-17-03; 12-1-14*

- |             |                                                                                         |                                                                                                                                                              |
|-------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4.1.</b> | <b><i>Report Copies</i></b> (accident or criminal)                                      | \$10.00 for the first page<br>plus .25 per page<br>thereafter                                                                                                |
| <b>4.2.</b> | <b><i>Special Detail</i></b> (Dances, games, guard duty, etc.) <i>(Amended 12-1-14)</i> | \$143.06 per officer for the first<br>two hours. Each additional hour<br>shall be billed at the current<br>average overtime rate plus<br>administrative fee. |
| <b>4.3.</b> | <b><i>Concealed Weapons (Hand Gun) Permit</i></b>                                       |                                                                                                                                                              |
|             | 4.3.1. First Permit - State Maximum                                                     | \$35.00                                                                                                                                                      |
|             | 4.3.2. Renewal                                                                          | \$20.00                                                                                                                                                      |
| <b>4.4.</b> | <b><i>DELETED</i></b> <i>(Amended 12-1-14)</i>                                          |                                                                                                                                                              |

**ARTICLE 5  
PUBLIC WORKS**  
*Amended 11-17-03*

**5.1. Additional Fees**

5.1.1. Public Works Dept. Labor After 3:00 PM ~~\$25.00/hour~~ \$200. per person  
(up to 4 hours); \$50 per person  
per hour for every hour above 4.

5.1.2. Street Opening/Utility Connection Permit ~~(Public Way (Deposit) —~~  
~~\$300.00~~ \$50.00

5.1.3. Sewer Connection Hookup ~~\$200.00~~ Determined  
based on proposed use and flow  
in accordance with Sewer  
Connection Fee Calculation  
Worksheet and Sewer  
Connection Fee Schedule.

**5.2. Solid Waste Fees**

5.2.1. Business Companies Hauling Trash \$200.00/annually

5.2.2. Business Hauling directly to Pine Tree  
Landfill or to the transfer station \$25.00/annually

5.2.3. Non-resident Business working on  
Hampden Project (temp permit) \$25.00/annually

5.2.4. Resident Transfer Station Sticker ~~\$5.00~~ 10.00

ARTICLE 6  
RECREATION  
*Amended 11-17-03, 4-22-14*

**6.1. Recreation Fee Waiver Policy:** Any person interested in any Hampden Recreation program that feels they do not have the financial means to afford the full fee shall receive a waiver at the sole discretion of the Recreation Director. Full or partial fee waivers may be given as determined by financial need and the recreation program for which the waiver is requested.

**6.2. Program Fees:**

6.2.1. Kids Kamp	\$140.00/full week
6.2.2. Kids Korner AM Program	\$8.00/day
6.2.3. Kids Korner PM Program	\$12.00/day
6.2.4. Kids Korner Half Day Program (12-6 PM)	\$25.00/day
6.2.5. Kids Korner Full Day Program (7 AM-6 PM)	\$40.00/day
6.2.6. Team Sport-Resident (depend on session length)	\$35.00-\$40.00
6.2.7. Team Sport-Non Resident (depend on session length)	\$40.00-\$45.00
6.7.8. Program Registration Late Fee (per person, per program)	\$10.00

**6.3. Skehan Recreation Center Fees:**

*(all requests are subject to availability and require advance written reservation contract and payment)*

6.3.1. Gymnasium Rental-1/2 Gym	\$25.00/hour
6.3.2. Gymnasium Rental-Full Gym	\$50.00/hour
6.3.3. Allen Fitness Room Rental	\$25.00/hour
6.3.4. Interior Classroom Rental	\$25.00/hour
6.3.5. Gymnasium Rental Full Day	negotiated at contract
6.3.6. Allen Fitness Room Rental Full Day	negotiated at contract
6.3.7. Interior Classroom Rental Full Day	negotiated at contract
6.3.8. Affiliated Program Rental 1/2 Gym	\$12.50/hour
6.3.9. Affiliated Program Rental Full Gym	\$25.00/hour
6.3.10. Gymnasium Rental-Multi Day/Multi Week	negotiated at contract
6.3.11. Private Party Rental	\$100.00
2 hours full gym includes classroom for any food consumed	

**6.4. RESERVED Outdoor Play Field/Space Rental Fees:** Ball Field or Soccer Field

*(all requests are subject to availability and require advance written reservation contract and payment)*

6.4.1. Single Field/Single Game-Resident	\$25.00
6.4.2. Single Field/Full Day-Resident	\$50.00
6.4.3. Single Field-Multi Day/Multi Week-Resident	negotiated at contract
6.4.4. Affiliated Program Rental	Free/subject to availability
6.4.5. Single Field/Single Game-Non Resident	\$50.00
6.4.6. Single Field/Full Day- Non Resident	\$100.00
6.4.7. Single Field-Multi Day/Multi Week-Non Res.	negotiated at contract
6.4.8. Single Field-Light Use	\$15.00 per event

**ARTICLE 7  
LIBRARY**

*Amended 11-17-03, 1-19-10; 4-23-12*

- |             |                                                                    |                    |
|-------------|--------------------------------------------------------------------|--------------------|
| <b>7.1.</b> | <b><i>Library Fees</i></b>                                         |                    |
| 7.1.1.      | Resident Annual Fee                                                | Free               |
| 7.1.2.      | Non-Resident Annual Fee                                            | \$35.00/year       |
| 7.1.3.      | Overdue Fees                                                       |                    |
| 7.1.3.1.    | Books and Periodicals                                              | \$0.10/day         |
| 7.1.3.2.    | Audio or Video                                                     | \$0.10/day         |
| 7.1.3.3.    | Maximum Overdue Fee                                                | \$3.00/item        |
| <b>7.2</b>  | <b><i>Self-service Photocopies</i></b> <i>(Amended 4/23/12)</i>    | <b>\$0.25/page</b> |
| <b>7.3</b>  | <b><i>Self-service Printer Pages</i></b> <i>(Amended 4/23/12)</i>  | <b>\$0.25/page</b> |
| <b>7.4</b>  | <b><i>Self-service Sending of Faxes</i></b> <i>(Added 4/23/12)</i> |                    |
| 7.4.1.      | Within United States                                               | \$1.00/page        |
| 7.4.2.      | International                                                      | \$2.00/page        |
| <b>7.5</b>  | <b><i>Receiving of Faxes</i></b> <i>(Added 4/23/12)</i>            | <b>Not Allowed</b> |

ARTICLE 8  
POOL

*Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12, 9-2-14, 4-18-16*

- 8.1. ***Susan G. Abraham Memorial Endowed Scholarship*** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and recipient must be resident of RSU #22 District.  
(Amended 9/19/2011; 9/2/2014)

8.2. ***Annual Resident Membership Fees:*** (Amended 9/2/2014)

8.2.1. Family	\$268.00
8.2.2. Single Adult	\$163.00
8.2.3. Youth/Teen	\$126.00
8.2.4. Senior	\$152.00

8.3. ***Six Month Resident Membership Fees:*** (Amended 9/2/2014; 4/18/16)

8.3.1. Family	<del>\$163.00</del>	<u>\$168.00</u>
8.3.2. Single Adult	<del>\$100.00</del>	<u>\$103.00</u>
8.3.3. Youth/Teen	<del>\$ 79.00</del>	<u>\$ 81.00</u>
8.3.4. Senior	<del>\$ 95.00</del>	<u>\$ 98.00</u>

8.4. ***Three Month Resident Membership Fees:*** (Amended 9/2/2014; 4/18/16)

8.4.1. Family	<del>\$100.00</del>	<u>\$103.00</u>
8.4.2. Single Adult	<del>\$ 63.00</del>	<u>\$ 65.00</u>
8.4.3. Youth/Teen	<del>\$ 53.00</del>	<u>\$ 55.00</u>
8.4.4. Senior	<del>\$ 58.00</del>	<u>\$ 60.00</u>

8.5. ***Annual Non-Resident Membership Fees:*** (Amended 9/2/2014)

8.5.1. Family	\$294.00
8.5.2. Single Adult	\$189.00
8.5.3. Youth/Teen	\$152.00
8.5.4. Senior	\$179.00

8.6. ***Six Month Non-Resident Membership Fees:*** (Amended 9/2/2014; 4/18/16)

8.6.1. Family	<del>\$179.00</del>	<u>\$184.00</u>
8.6.2. Single Adult	<del>\$116.00</del>	<u>\$119.00</u>
8.6.3. Youth/Teen	<del>\$ 95.00</del>	<u>\$ 98.00</u>
8.6.4. Senior	<del>\$110.00</del>	<u>\$113.00</u>

8.7. ***Three Month Non- Resident Membership Fees:*** (Amended 9/2/2014; 4/18/16)

8.7.1. Family	<del>\$110.00</del>	<u>\$113.00</u>
8.7.2. Single Adult	<del>\$ 74.00</del>	<u>\$ 76.00</u>
8.7.3. Youth/Teen	<del>\$ 63.00</del>	<u>\$ 65.00</u>
8.7.4. Senior	<del>\$ 68.00</del>	<u>\$ 70.00</u>

8.8. ***Daily Swim Fee for non-members*** (Amended 9/19/2011; 9/2/2014)

8.8.1. Single Swim - Resident	\$ 4.00
8.8.2. Single Swim – Non-Resident	\$ 5.00
8.8.3. Resident 12 Use Punch Card	\$ 36.00
8.8.4. Non-Resident 12 Use Punch Card	\$ 48.00

<b>8.9.</b>	<b>Resident Swim Lessons</b> (Amended 9/19/2011; 9/2/2014)		
8.9.1.	Members	\$4.50 per class	
8.9.2.	Non-Members	\$6.00 per class	
<b>8.10.</b>	<b>Non-Resident Swim Lessons</b> (Amended 9/19/2011; 9/2/2014; <u>4/18/16</u> )		
8.10.1.	Members	<del>\$6.00 per class</del>	<u>\$6.50 per class</u>
8.10.2.	Non-Members	<del>\$7.50 per class</del>	<u>\$8.00 per class</u>
<b>8.11.</b>	<b>Private Swim Lessons</b> (Amended 9/19/2011)		
8.11.1	Resident Member		
	1 Child	\$15.00 per class	
	2 Children	\$20.00 per class	
8.11.2.	Resident Non-member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.3	Non-resident Member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.4	Non-resident Non-member		
	1 Child	\$25.00 per class	
	2 Children	\$30.00 per class	
<b>8.12.</b>	<b>Deleted</b> November 27, 2012		
<b>8.13.</b>	<b>Deleted</b> November 27, 2012		
<b>8.14.</b>	<b>Adult Aqua Aerobics Drop-Ins <u>Fitness:</u></b>		
8.14.1.	<u>Residents</u> Members	\$4.00/class	
8.14.2.	Non- <u>Residents</u> Members	\$5.00/class	
<b>8.15.</b>	<b>Gentle Aerobics</b> (deleted 9/19/2011)		
<b>8.16.</b>	<b>Pool Facility Rental Fees</b> (Limited Availability): (Amended 9/19/2011; 9/2/2014; <u>4/18/16</u> )		
8.16.1.	Resident Pool Rental (up to 30 total guests)	<del>\$75.00/hour</del>	<u>\$77.00/hour</u>
8.16.2.	Resident Lounge Rental	\$20.00/hour	
8.16.3.	Non-Resident Pool Rental (up to 30 total guests)	<del>\$91.00/hour</del>	<u>\$94.00/hour</u>
8.16.4.	Non-Resident Lounge Rental	\$25.00/hour	
8.16.5.	Every 10 Additional Guests (As Required by Rules)	\$15.00/hour	
<b>8.17.</b>	<b>Swim Diaper</b>	\$1.00	

**ARTICLE 9  
ANNUAL REVIEW BY TOWN COUNCIL**

- 9.1** An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.



**Town of Hampden**  
**Sewer Connection Fee Calculation Worksheet**

Date: \_\_\_\_\_

Sewer Connection Location: \_\_\_\_\_

Address: \_\_\_\_\_

**Contractor Name & Address**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Paid: \_\_\_\_\_

Check Number: \_\_\_\_\_

Eng Receipt: \_\_\_\_\_

Date: \_\_\_\_\_

**Owner Name & Address**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Property Use: If applicable

Food Service Provided                      Y              N

Grease Interceptor                            Y              N

Oil/Sand Separator                            Y              N

Area 1:	gpd/unit	\$/gpd	Fee	Category
Square feet		1.06	\$	
Units		1.06	\$	
Seats		1.06	\$	
Beds		1.06	\$	
Other		1.06	\$	

Area 2:	gpd/unit	\$/gpd	Fee
Square Feet		1.06	\$
Units		1.06	\$
Seats		1.06	\$
Beds		1.06	\$
Other		1.06	\$

Area 3:	gpd/unit	\$/gpd	Fee
Square Feet		1.06	\$
Units		1.06	\$
Seats		1.06	\$
Beds		1.06	\$
Other		1.06	\$

**Total Connection Fee:** \$ \_\_\_\_\_  
(minimum Fee for Sewer Connection \$50.00)





**Town of Hampden**  
**Sewer Connection Fee Schedule**

Amusement Park	Determined by Public Works Director
Apartment Building	185 gpd/unit
Auto Body Shop	0.05 gpd/ft <sup>2</sup>
Auto Sales Garage	0.05 gpd/ft <sup>2</sup>
Bakery	0.15 gpd/ft <sup>2</sup>
Bank	0.1 gpd/ft <sup>2</sup>
Barber Shop	0.35 gpd/ft <sup>2</sup>
Beauty Salon	0.75 gpd/ft <sup>2</sup>
Boarding House	50 gpd/bed
Bowling Alley	75 gpd/lane
Car Wash	Determined by Public Works Director
Church (sanctuary)	185 gpd
Day Care	10 gpd/child
Dry Cleaners	0.15 gpd/ft <sup>2</sup>
Duplex, any Combination	270 gpd/unit
Fast Food Restaurant (no table service)	20 gpd/seat
Funeral Home	0.05 gpd/ft <sup>2</sup>
Government Building	0.1 gpd/ft <sup>2</sup>
Health Club	0.15 gpd/ft <sup>2</sup>
Hospitals	150 gpd/bed
Hotels/Motels	100 gpd/unit
Industrial (process flow)	Determined by Public Works Director
Laundry	2.0 gpd/20lb machine
Lodge	0.25 gpd/ft <sup>2</sup>
Medical/Dental	0.15 gpd/ft <sup>2</sup>
Mobile Homes	270 gpd
Nursing	100 gpd/bed
Offices	0.06 gpd/ft <sup>2</sup>
Restaurant	35 gpd/seat
Retail	0.05 gpd/ft <sup>2</sup>
Retirement	120 gpd/unit
Schools	10 gpd/student
Senior Housing Facility	65 gpd/island
Single Family Homes	270 gpd
Supermarket	0.05 gpd/ft <sup>2</sup>
Taverns, Bars, Lounges	0.09 gpd/ft <sup>2</sup>
Theater	3 gpd/seat
Train/Bus Stations	0.075 gpd/ft <sup>2</sup>
Utilities	0.01 gpd/ft <sup>2</sup>
Veterinarians	0.65 gpd/ft <sup>2</sup>
Warehouse	0.05 gpd/ft <sup>2</sup>



D-2-d

Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

---

**Town Ways Ordinance and Street Opening/Utility Connection Ordinance - Redlined by RW**

1 message

Lynn E. Brochu &lt;lbrochu@rudmanwinchell.com&gt;

Tue, Apr 12, 2016 at 2:06 PM

To: Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

Cc: "Edmond J. Bearor" &lt;ebearor@rudmanwinchell.com&gt;, "Lynn E. Brochu" &lt;lbrochu@rudmanwinchell.com&gt;

Angus,

Attached are the redlined edits made by Ed on the two ordinances for your review. If you find them acceptable as presented and wish to have changes accepted, let me know and I will then send you clean copies.

Thank you.

*Lynn E. Brochu* | Legal Executive Assistant

Direct Tel: 207.992.2627 | Fax: 207.941.9715

Email: [lbrochu@rudmanwinchell.com](mailto:lbrochu@rudmanwinchell.com)**RUDMAN • WINCHELL**

COUNSELORS AT LAW

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**TOWN OF HAMPDEN, MAINE  
TOWN WAYS ORDINANCE**

DRAFT

Adopted: Hampden Town Council, 2/20/1979  
Effective: 3/20/1979

Amended: 3/4/1991  
Effective: 4/2/1991

Amended: 12/7/1987  
Effective: 1/5/1988

Amended: 8/18/2003  
Effective: 9/17/2003

Amended: 02/01/2010  
Effective: 03/03/2010

Amended: [DATE] 2016  
Effective: [DATE] 2016

**CERTIFIED BY:**

---

Paula Scott, Town Clerk

**Affix Seal**

**TOWN OF HAMPDEN, MAINE  
TOWN WAYS ORDINANCE  
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**TOWN OF HAMPDEN  
TOWN WAYS ORDINANCE**

**ARTICLE I  
GENERAL**

**1.1 Plan Required** - Petitioner for acceptance of a town way shall submit a plan to the Road Commissioner of such a way prepared by or approved by a registered professional engineer.  
(Amended 02-01-10)

**1.2 Acceptance by Town Council** – The acceptance of any street or road as a town way shall be subject to the approval of the Town Council. (Amended 02-01-10)

1.2.1 The Town Council shall not consider the acceptance of a street or road as a town way unless and until the following conditions have been satisfied:

1. All outstanding application fees, inspection fees and other costs and expenses must be paid in full.
2. Submission of a sworn written statement from the owner/developer and/or owner's/ developer's engineer that all required improvements have been completed in strict compliance with all applicable construction standards and the approved subdivision plan if applicable, and that the owner/developer and/or engineer knows of no defects, from any cause, in the improvements.
3. Submission of a written statement from Town's Public Works Director that all site improvements, including paving and any drainage facilities, have been satisfactorily completed. The written statement shall also indicate if public water and power have been installed and accepted.
4. Deposit of sum of money or other suitable improvement guarantee equal to fifteen percent (15%) of the amount of the full improvement guarantee required by the Subdivision Ordinance with the Town Treasurer. Said money to be used by Town to correct any defects in design, materials, or workmanship that arise within one year from the date of acceptance of the improvements by the Town Council. Any money not used for such purpose by Town within two (2) years of acceptance shall be returned to the payor.
5. Submission of a written statement from owner's/developer's surveyor that all required property pins have been installed for the lots ~~in the approved subdivision~~ abutting the proposed town way.
6. Submission to the Town Attorney of the document(s) conveying any land, improvements, and any easements to the Town. Owner/Developer shall cause the following documentation to be delivered to the Town Attorney at least three (3) weeks prior to the Town Council meeting at which acceptance is desired:
  - a. Copy of recorded subdivision plan; if applicable

- b. Copy of proposed Warranty Deed conveying the street(s) and improvement(s), as well as any easement(s) appurtenant thereto, to the Town;
    - c. Copy of proposed Warranty Deed conveying any dedicated open space and access easement(s) to the Town;
    - d. Title Opinion or Title Agent's Certificate of Title evidencing that the land, street(s), improvements, open space, and easement(s) are free and clear of any encumbrances, liens, mortgages, etc. If title is not free and clear, owner/developer shall furnish documentation demonstrating that the title matters will be resolved prior to acceptance by the Town; and
    - e. Owner's Affidavit to the effect that all contractors, subcontractors, and material providers have been paid in full, and that the property is not subject to a mechanic's/materialman's lien under Maine law.
  7. Approval by the Town Attorney of the document(s) conveying any land, improvements, or easements to the Town.
  8. Delivery of the duly executed Warranty Deed(s), Easements, Real Estate ~~Tax~~ Transfer Tax Declaration form(s), any documents necessary to provide free and clear title, and check payable to the Registry of Deeds in the amount of the recording fee(s) to the Town Manager.
  9. Payment of Town's legal fees and expenses incurred in reviewing the documentation called for by this ordinance.
  10. Letter from ~~Banger Hydro~~ **Emera Maine** the applicable electric company indicating that all power utilities have been accepted.
  11. In cases where Public Water has been installed, a letter from the Hampden Water District Superintendant indicating that the water has been installed and tested to their satisfaction.
- 1.2.2. At the sole discretion of the Town Council, it may accept a street or road as a town way if all improvements have been satisfactorily completed, excepted for the final layer of paving, and the developer/owner has provided a performance bond, letter of credit, or some other form of guarantee acceptable to the Town Council and in an amount the Town Council determines to be adequate to ensure completion of the final paving.

**1.3 Town Engineer Defined** – Town engineer means any person licensed as a professional civil engineer by the State of Maine and employed or designated by the Town Manager.

**1.4 Repeal Of Conflicting Ordinances or Resolves** – All ordinances and resolves or parts thereof in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed.

## ARTICLE II STANDARDS AND REQUIREMENTS

**2.1 Connection With Existing Town Way** – All streets or roads shall provide connection with existing Town approved town ways. *(Amended 02-01-10)*

**2.2 Intersections** – Shall not be less than sixty (60) degrees.

**2.3 Widths Of Town Ways** – Except for industrial streets or roads, town ways shall have a right-of-way width of sixty-six (66) feet. Industrial roads shall have a right-of-way width of one hundred (100) feet. (Amended 02-01-10)

**2.4 Grades** – Grade shall not have less than 0.5% nor more than 8%. The roadway area of said way shall be graded to its full width of twenty-six (26) feet for the distance for which acceptance is requested and shall conform accurately to the grades and cross-sections shown on the plan and approved profile of said town way and as ~~accepted~~ by the Hampden Planning Board. All roads and streets shall be properly drained with suitable ditches and street culverts so that all storm water will be drained from the area. ~~The Road Commissioner or the Hampden Planning Board may require~~ loaming and seeding of slopes to help prevent erosion as required by either the Road Commissioner or Planning Board. (Amended 02-01-10)

**2.5 Clearing Of Stumps and Roots** – Said way shall be cleared of all stumps, roots, brush, perishable material and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from said way to at least subgrade depth, or as directed by the Road Commissioner or Public Works Dept.

**2.6 Side Slopes** — Petitioner shall provide the land necessary for cut or fill slopes beyond the limits of the street right-of-way.

**2.7 Subgrade** — With the exception of industrial ways, said way shall be graded to the subgrade of eighteen (18) to twenty-four (24) inches as specified by the Hampden Planning Board or Road Commissioner. Industrial ways shall be graded to a subgrade depth of not less than twenty-four (24) inches.

**2.8 Gravel Base** – The roadway area of said way shall be ~~atbrought to~~ the grade shown on the plan, profile, and cross-section of said way and constructed from suitable gravel or material approved by the Road Commissioner or Public Works Dept. The base gravel must be ~~shall be brought to~~ within four (4) inches of the finish grade, and the top four (4) inches shall be selected materials suitable for finish grade on gravel roads. All gravel shall be thoroughly compacted and rolled and the final surface left true to the established lines and grades.

**2.9 Surface Treatment** – ~~After~~ The fine gravel ~~shall be~~ has been thoroughly rolled, and the surface of the roadway ~~shall be~~ treated with a bituminous pavement. Pavement shall conform to the specifications currently specified by the Maine Department of Transportation for use on State Aid Roads and shall be placed in one-and-a-half inch thickness. Pavement width shall be not less than twenty (20) feet, except in industrial zones where it shall be not less than twenty-four (24) feet, and the roadway shall be provided with a three (3) inch crown from the center line to edge of pavement to insure runoff of water.

**2.10 Cul-de-sac (Dead-end Street)** - All permanent dead-end streets shall have ~~be provided with~~ a turn-around with a minimum diameter of sixty (60) feet. In all other respects said turn-arounds shall be constructed in accordance with the same specifications as herein above specified for town ways. (Amended 02-01-10)

**2.11 Culverts** - All driveway culverts shall be not less than twelve (12) inches in diameter of corrugated HDPE pipe and not less than ~~twenty-four (24)~~ (20) feet in length. Said culverts shall

be furnished and installed by the owner under the supervision of the Road Commissioner. The Road Commissioner reserves the right to specify culvert diameter in excess of 12" where necessary to achieve drainage of projected volumes.

**2.12 Opening Town Ways or Streets** - No town way or street shall be opened for the purpose of installing or repairing sewers, water, gas, or for any other purpose, unless the individual or corporation wishing to make such an opening shall first obtain from the Road Commissioner a Street Opening/Utility Connection permit to do so and agree to pay the full cost of repairing the damage to the street caused by such opening. Refer to the Town of Hampden Street Opening/Utility Connection Ordinance for permit requirements.

**2.13 Modified or Additional Standards** - The Road Commissioner may modify or require additional standards due to local soil, physical, or topographical conditions, provided that modifications and variances secure substantially the objectives of the standard or requirement so varied or modified.

### ARTICLE III LIMITATION OF TRUCK TRAFFIC

**3.1 Limitation/Prohibition of Truck Traffic** - Upon designation by the Town Manager and approval of the Town Council truck traffic may be limited or prohibited on specified roads or streets passing through residential areas within the Town of Hampden. There shall be a sign posted at each end of the streets or portions of street so designated showing that the same is a residential street and that through heavy traffic is not allowed. A schedule of those streets or portions of streets so designated shall be maintained in the town office and be available for public inspection during regular business hours. *(Amended: 12/7/87, 3/4/91)*

**3.2 Enforcement** - When any violation of any limitation or prohibition on truck traffic imposed under Section 1.1 shall be found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance. *(Amended: 3/4/91)*

**3.3 Civil Penalties** - Whoever violates any limitation or prohibition on truck traffic imposed under Section 3.1 shall, ~~upon conviction therefore~~, be liable for a civil penalty in the amount of \$50.00 for the first offense and \$100.00 for each subsequent offense. Each and every violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hampden. *(Amended: 3/4/91)*

### ARTICLE IV ~~USE OF ENGINE OR TRANSMISSION BRAKING DEVICES~~ *(Adopted: 2/12/03)*

~~**4.1 Findings.** The Town Council finds that the use of engine or transmission braking devices or methods (a/k/a "engine braking" or "dynamic braking") within the Town of Hampden creates unusual and excessive noise that unreasonably disturbs and annoys residents. The prohibition of such devices and methods is necessary to protect the health, safety and public welfare.~~

~~**4.2 Prohibition.** No person may slow a vehicle by a device, method, or practice known as engine or transmission braking (a/k/a "engine braking" or "dynamic braking") whereby rapid~~



~~downshifting of a vehicle's engine or a compression release device is used in lieu of applying a vehicle's wheel brakes, causing loud noises to emit from the vehicle's engine and/or exhaust system. Such braking by any motor vehicle on any public highway, street, or parking lot within the Town of Hampden is declared to be a public nuisance and is prohibited.~~

~~**4.3 Enforcement.** When any violation of any prohibition imposed under this Article is found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Article.~~

~~**4.4 Civil Penalties.** Whoever violates this Article shall, **upon conviction therefor,** be liable for a civil penalty in the amount of \$100.00 for the first offense and \$200.00 for each subsequent offense. Each and every violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hampden.~~

~~**4.5 Emergency Vehicles.** The provisions of this Article do not apply to emergency vehicles.~~



Angus Jennings &lt;townman

D-2-e

**Town Ways Ordinance and Street Opening/Utility Connection Ordinance - Redlined by RW**

1 message

Lynn E. Brochu &lt;lbrochu@rudmanwinchell.com&gt;

Tue, Apr 12, 2016 at 2:06 PM

To: Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

Cc: "Edmond J. Bearor" &lt;ebearor@rudmanwinchell.com&gt;, "Lynn E. Brochu" &lt;lbrochu@rudmanwinchell.com&gt;

Angus,

Attached are the redlined edits made by Ed on the two ordinances for your review. If you find them acceptable as presented and wish to have changes accepted, let me know and I will then send you clean copies.

Thank you.

*Lynn E. Brochu* | Legal Executive Assistant

Direct Tel: 207.992.2627 | Fax: 207.941.9715

Email: [lbrochu@rudmanwinchell.com](mailto:lbrochu@rudmanwinchell.com)**RUDMAN • WINCHELL**

COUNSELORS AT LAW

**NOTICE:**

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**TOWN OF HAMPDEN, MAINE  
STREET OPENING/UTILITY CONNECTION ORDINANCE**

Adopted: Hampden Town Council, [DATE] 2016  
Effective: [DATE] 2016

**DRAFT**

**CERTIFIED BY:**

\_\_\_\_\_  
Paula Scott, Town Clerk

**Affix Seal**

**TOWN OF HAMPDEN, MAINE  
STREET OPENING/UTILITY CONNECTION ORDINANCE  
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## TOWN OF HAMPDEN

### STREET OPENING/UTILITY CONNECTION ORDINANCE

#### SECTION I CONFLICTING ORDINANCES

**1.1 Repeal Of Conflicting Ordinances or Resolves** – All ordinances and resolves or parts thereof in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed.

#### SECTION II PERMITS REQUIRED

**2.1 Street Opening Permit** – It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the Town without first ~~having obtained~~ a street opening permit from the Hampden Public Works Department. All ~~obtaining~~ permits will be issued in accordance with the provisions of Title 23, Chapter 307, Subchapter II of the Maine Revised Statutes Annotated.

- 1) The permit will be issued by the Hampden Public Works Department.
- 2) A standard construction detail and instructions ~~for the contractor~~ will be issued with and be a condition of the permit. All work shall conform to the requirements of the standard detail and instructions ~~to the contractor~~.
- 3) The permit must be obtained by the contractor or utility company doing the work.
- 4) Certain roads within the Town of Hampden also require a highway opening permit issued by the Maine Department of Transportation. The Public Works Department will maintain a listing of such streets.

**2.2 Sewer and Storm drain Connection Permits** - All new or replacement sanitary sewer or storm drain connections to town mains shall be subject to all of the regulations set forth hereinafter relative to private utility connections, except that prior to the issuance of said permit, the payment of any outstanding assessments for the town sewer construction will be required in addition to the permit fee.

#### **2.3 Limitations**

- 1) No street opening permit will be issued between December 1 in any one year and April 1 in the following year except for an emergency.
- 2) Permits will require the contractor to maintain temporary trench repair until such time as a permanent repair can be made.
- 3) The contractor shall only perform ~~any~~ work requiring inspection ~~weekdays by the town during normal weekday working hours (7:30 a.m. to 5:00 p.m.)~~, unless an emergency situation requires otherwise. The town will bill the contractor for additional inspection costs for inspections outside these hours in accordance with the fee schedule herein.
- 4) The contractor shall schedule work within the street to avoid rush-hour traffic whenever possible.
- 5) Prior to obtaining a street opening permit from the Town, the contractor shall provide the Town with a Dig-Safe number. ~~The contractor will also be responsible for and~~ must ~~contacting~~ utilities not participating in the Dig-Safe program.

### SECTION III CONTRACTORS

**3.1 Approved Contractors** - All work in connection with the excavation and backfill of any opening in a public way shall be performed only by approved contractors or by the forces of the particular utility concerned. Adequate equipment shall be employed so as to expedite the completion of the work, and proper construction methods shall be used, as hereinafter described.

**3.2 Insurance** - The contractor doing the work shall show proof of adequate insurance coverage before a permit is issued.

**3.3 Unsatisfactory Construction** - Contractors with a work history of two unsatisfactory similar type street opening or utility connection projects within the previous 18 months, in the opinion of the Public Works Director, or having an outstanding balance related to a previous street opening permit, will not be issued a street opening or utility connection permit.

### SECTION IV INSPECTIONS

**4.1 Inspections** - All work in connection with street openings and utility connections will be subject to the inspection and approval of the Public Works Director (~~aka~~ Director) or his or her authorized representative. The Director will decide as to the adequacy of the materials to be used, extra safety precautions which may be required to protect the public and the scheduling of the work to be performed. No backfilling operations shall be allowed prior to the examination of the work by the Director.

**4.2 Notification** - The contractor shall provide timely notification to the Town in order that inspection services can be scheduled for the appropriate time. ~~The permit form will contain the necessary instructions to the contractor.~~

### SECTION V STREET OPENINGS; SCHEDULE OF CHARGES

#### **5.1 Openings by Utility Companies**

- 1) Utility companies will be required to obtain separate permits for each street opening within accepted public rights-of-way. The utility company shall be responsible for performing all backfill operations, including the replacement of roadway gravel, temporary patching of the surface, and the permanent surface pavement.
- 2) The Town reserves the right to inspect the work undertaken by utility companies and to charge an inspection fee according to the schedule of charges.

**5.2 Openings by Private Entities** - A contractor representing any person, firm or corporation desiring to open any portion of a public way for the purpose of installing, repairing, replacing, examining or attempting to locate any private utility connection must first obtain a permit from the ~~Director~~ Hampden Public Works Department. Prior to the issuance of said permit, the applicant shall pay to the Town of Hampden ~~an amount to cover the cost of~~ for inspection services in accordance with the schedule of charges contained herein. The applicant will be

*Street Opening/Utility Connection Ordinance*

responsible for all work, including temporary pavement and the permanent paved surface. No backfilling shall be allowed without the prior examination of the work by the ~~Public Works~~ Director's or representative. Trenches backfilled without the Engineer's approval will be subject to the corrective work outlined in Section IX herein.

**5.3 Schedule of Charges**

- 1) The amount to be paid for a street opening/utility connection permit will be based upon the following inspection fee schedule:

TYPE OF FEE	FEE
Standard Permit Fee	\$50.00
Weekend Work Permit Fee	\$210.00
After the Fact Permit Fee	\$420.00
Additional Inspection Costs	Actual Labor Expense plus Town Overhead

- 2) The Director may waive the weekend work and after the fact permit fees for utilities that open streets in cases of emergencies without first obtaining a permit.

## SECTION VI EXCAVATING AND BACKFILLING

**6.1 Protective Measures**

- 1) It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. The barriers and warning devices shall conform to the requirements of the latest edition of the Manual of Uniform Traffic Control Devices.
- 2) Appropriate measures shall be taken to assure that, during the performance of the excavation work, traffic conditions as normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. If it becomes necessary to close the street to traffic to permit the work, prior approval of said closing shall be obtained from the Director. The contractor shall be responsible for notifying the Hampden Police and Fire Departments concerning the closing.
- 3) The work shall be conducted in such a manner so as to prevent damage to adjacent property, and should such damage occur, the property shall be restored to its original condition, as directed by the Director. The excavated materials shall be placed in a location so as not to endanger those working in the trench, pedestrians or users of the street.
- 4) It shall be the contractor's responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) requirements that may apply to the work.

**6.2 Excavating**

- 1) It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit.
- 2) Prior to any excavation work, all surface pavement shall be cut to full depth by an approved method.
- 3) Proper bracing or shoring shall be maintained to prevent the collapse of adjoining grounds, and the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface. Care shall be taken so as not to damage existing pipes, cables or conduits in the making of such excavations or

*Street Opening/Utility Connection Ordinance*

tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits, or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or to the roots of any tree or shrub.

**6.3 Backfilling**

- 1) Whenever a permit has been issued for a street opening or utility connection and the excavation has been made, the trench or opening shall be backfilled in accordance with the details issued with the permit.
- 2) Flowable fill will be required for backfill of cross trenches and openings within the street zone of major streets, or as conditions may require, as determined by the Director when the permit is issued.
- 3) No organic material, pavement or stones greater than six inches in diameter shall be present in the backfill.
- 4) Replace to twenty-one-inch depth, or match existing base depth, whichever is greater, with gravel conforming to the latest Maine Department of Transportation specification for gravel base.
- 5) If a permit is issued during the freezing weather conditions, frozen backfill will not be allowed in the trench.
- 6) If the material excavated contains too much moisture for proper compaction, it shall be removed and replaced with suitable backfill material with similar characteristics of native soil excavated.

**6.4 Compaction of Backfill Material**

- 1) All backfill shall be thoroughly compacted by equipment designed specifically for that purpose.
- 2) The first six inches of fill over the structure or pipe in the trench shall be compacted. The balance of the backfill shall be placed in layers not exceeding 12 inches and thoroughly compacted.
- 3) All material excavated from the trench shall be replaced in the trench, except for the amount which may be displaced by the installation of gravel base, pipe/utility or crushed stone surround.
- 4) All backfill shall be compacted to meet at least 90% of total compaction as measured by the proctor test in grass areas and to 95% of total compaction in pavement areas.

**SECTION VII  
REPLACEMENT OF SURFACE MATERIAL**

**7.1 Bituminous Paving on Flexible Base**

- 1) When a street opening permit is issued on a street which has been constructed for heavy traffic and has a bituminous surface without a cement concrete base, the same amount of gravel shall be replaced in the trench as is removed when the excavation is made where this material exceeds the twenty-one-inch depth as specified in Section 6.3.
- 2) After the gravel base has been placed and before the permanent bituminous wearing surface is placed, the existing bituminous surface shall be cut back an additional 12 inches on all sides with a pavement saw or milling machine, and the cut edges shall be painted with bituminous tack before the new bituminous paving is placed.



*Street Opening/Utility Connection Ordinance*

Bituminous paving shall be performed in accordance with MDOT Standard Specifications for Highways and Bridges.

**7.2 Temporary and Permanent Surfacing**

- 1) The contractor to whom a street opening permit has been issued shall provide a temporary patch (coldpatch) of the street opening, generally within 24 hours after the trench has been backfilled and compacted according to the requirements contained in Section 6.3 and 6.4.
- 2) The temporary patch shall be made using premixed bituminous material (coldpatch), which shall remain in place until the permanent patch has been installed.
- 3) Within 30 calendar days from the date of trench backfill, but not later than November 1, the contractor shall provide permanent pavement replacement in accordance with Section 7.1 and the detail sheet provided with the permit. For emergency winter work, the permanent trench repair must be completed by June 15.

**7.3 Restoration** - The contractor shall restore all areas of disturbance, including stone curb, esplanades and gravel surfaces, including shoulders, sodded areas, shrubbery fencing, ditches, etc., to the condition prior to construction.

**7.4 Warranty** - The contractor or utility shall correct any deficiencies in the trench or pavement for a period of one year from completion of the work authorized by this permit.

**SECTION VIII  
UTILITY CONNECTIONS**

**8.1 Connections** - All work relative to connecting a building drain or yard drain to a ~~town~~ towneity main shall be performed by an approved contractor, only under the direct supervision of the Director or ~~his or her~~ authorized representative.

**8.2 Damage** - If the Town main is damaged or broken by the contractor, then the damaged or broken section of main will be removed and replaced at no cost to the Town by the contractor under the supervision of the Director.

**8.3 Connection Devices** - Any tap to a public sewer or storm drain shall be made and an approved connection device installed in the presence of the Public Works Director or ~~his or her~~ authorized representative

**8.4 Connections to Manholes** - Connections to manholes, wet wells or other structures shall be prohibited unless approved by a representative of the Director. If approval is given, the structure must be cored and a watertight boot installed at the location indicated by the Director as referred to in Article IV of the Sewer Ordinance.

## SECTION IX VIOLATIONS AND PENALTIES

### 9.1 Replacement of Defective Work

- 1) If any part of the work specified above relative to repairing or filling the trenches or excavations shall be unskillfully or improperly done, the Director or ~~his or her~~ representative may direct that the work be re-excavated and replaced in a proper manner or that other corrective action shall be taken to properly repair the trench and the pavement surface.
- 2) If the applicant does not repair the defective work within 24 hours of notice, then the Director will act to have the work performed by the Town, and the applicant shall pay a penalty equal to the whole of said expense incurred by the Town, with a surcharge of 50%. No additional permits will be issued to the contractor until this cost has been paid in full.
- ~~3) Thereafter, upon completion of the work and determination of the cost thereof, the Director shall issue no permit to the applicant until he or she shall receive, in addition to the fees provided, the amount of the penalty as by this section provided and determined.~~
- 4) The contractor shall be responsible for the work and shall hold the Town harmless from any claims resulting from the work.

### 9.2 Violations

- 1) Any person, firm or corporation who or which shall dig or make an excavation in any portion of the public way or make connection to a public sewer or storm drain without first obtaining a permit shall be required to pay an after the fact permit fee of \$420.
- 2) Additionally, any person, firm or corporation who violates the provisions of this article ~~may be punished, upon conviction, by a fine~~ shall be liable for a civil penalty of not less than \$100 for each offense. Each day shall constitute a separate offense. Such fine may be levied against the contractor.



**Town of Hampden**  
**Street Opening / Utility Connection Permit**

Permit # \_\_\_\_\_  
Date: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Dig-Safe Number: \_\_\_\_\_ Proof of Insurance: \_\_\_\_\_

**Work Information**

Street Address: \_\_\_\_\_ Requested Address: \_\_\_\_\_  
Lot Location: \_\_\_\_\_ Type: \_\_\_\_\_  
Type of Work: \_\_\_\_\_  
Work Explanation: \_\_\_\_\_  
Dig-Safe Start Date: \_\_\_\_\_ Dig-Safe End Date: \_\_\_\_\_

**Contractor Information**

ID: \_\_\_\_\_ Company: \_\_\_\_\_ Phone: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_  
Contractor Address: \_\_\_\_\_

**Owner Information**

Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Owner Address: \_\_\_\_\_

Signature: \_\_\_\_\_

By signing above, I acknowledge that I have read and understand the "Instructions for Contractor" Form and reviewed the backfill requirements diagram and acknowledge that I have read the Town Ways and Street Opening and Utility Connection Ordinance for the Town of Hampden.

Permit Issued By: \_\_\_\_\_ Fee: \_\_\_\_\_

**Special Requirements**

Engineer: \_\_\_\_\_

Comments: \_\_\_\_\_

The standard permit fee is \$ 50.00. A weekend work permit fee is \$210.00. Any contractor who applies for a permit after the fact, will be charged a \$420.00 fee. The permit is granted subject to the provisions of Title 23, Chapter 307, and Subchapter II of Maine Revised Statutes Annotated.

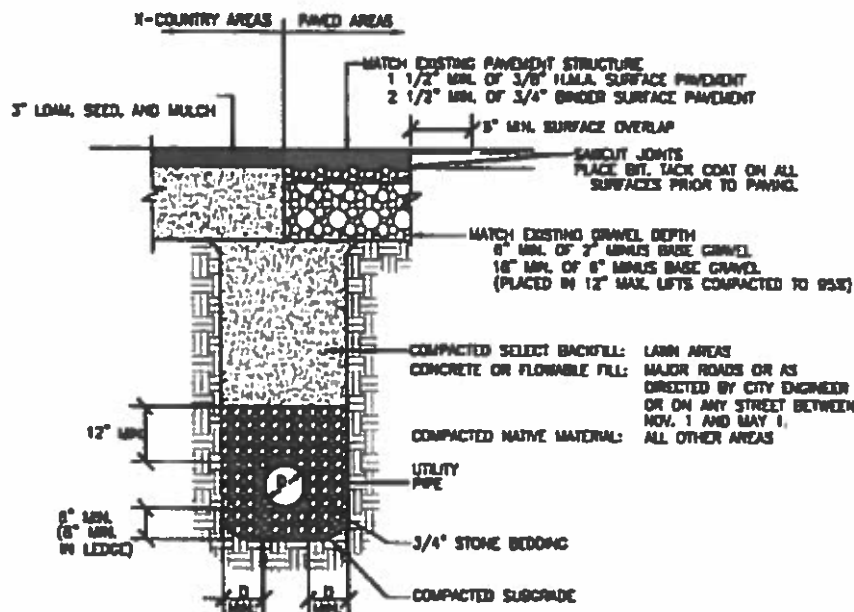


## Instructions for Contractors & Backfill Requirements

1. No permit shall be issued without a Dig Safe number and proof of liability insurance. By signing this permit the contractor certifies that all utilities have been contacted and that the contractor is financially responsible for any and all utility disruptions. A copy of the permit must be available for inspection at the excavation site.
2. Contractor must comply with OSHA regulations, MUTCD work zone requirements and all applicable state, local and federal regulations.
3. Contractor must notify emergency responders prior to setting up lane closures or blocking any town road.
4. The Hampden Public Works is not responsible for locating or marking sewer or storm connections. Contractor shall not rely on any such town marking activities. Contractor is responsible for locating and marking such connections.
5. New sewer and drain connections must be made with approved connection devices and inspected by Hampden Public Works. Contact Hampden Public Works Department a minimum of 24 hours prior to excavation for approved connection devices and 24 hours prior to backfilling to schedule utility and backfill inspections.
6. Backfill shall consist of clean excavated material or clean material hauled onsite containing no frozen or perishable material and with no rocks greater than 6" in size. Material shall be approved by the Road Commissioner prior to commencing backfill.
7. Backfill shall be placed in 12" maximum lifts and compacted to 95% using proper compaction procedures.
8. Flowable fill shall be 1500 psi minimum or as directed by Hampden Public Works Director.
9. Provide 2" of rigid insulation for utilities buried less than 5' deep and 4" of rigid insulation for utilities buried less than 3'.
10. Trench shall have temporary or permanent pavement within 24 hours of being backfilled (48 hours maximum weekends and holidays). Finish pavement shall be placed within 30 calendar days.
11. Contractor shall be responsible for replacement of brick sidewalks, concrete sidewalks and curbing according to Hampden Public Works Director.
12. The Town of Hampden Street Opening/Utility Connection Permit is issued in accordance with Article II, section 2.12 of the Town Ways Ordinance and the Street Opening and Utility Connection Ordinance. Fees and construction requirements identified by the Hampden Water District or other independent utilities may also apply.

### **Contact Information**

<b>Dig Safe</b>	PH: 811 (1-888-344-7233)	1-888-dig-safe
<b>Public Works</b>	PH: 207-862-3337 207-478-8396	FX: 207-862-5067
<b>Water District</b>	PH: 207-862-3490	FX: 207-862-3595
<b>Police/Fire</b>	PH: 207-862-4000	FX: 207-862-4588



**TRENCH DETAIL**

D-3-a



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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## Planning Board Appointment

1 message

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Dean Bennett <economicdevelopment@hampdenmaine.gov>

Thu, Apr 14, 2016 at 2:57 PM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Cc: Paula Scott <clerk@hampdenmaine.gov>

Angus,

According to the Planning Board members last evening, the past practice has been that when a Planning Board member resigns and an alternate member moves to full member, the Town Council has made that appointment.

Andrew Nelson, Resigned from the Planning Board

The Town Council typically makes this appointment:

"Joan Reilly appointment from Alternate Planning Board Member to Full Member Status - Expiration 2019."

Also, I just noticed that the Planning Board "roster" on the website is not accurate. Paula, I will send you the correct list and status. When I do, would you please make the change, as I don't have access to that part of the website.

Thanks,  
Dean

Dean L. Bennett  
Director of Community and Economic Development  
106 Western Avenue  
Hampden, Maine 04444  
207-862-3034

A reasonable effort will be made to respond to all emails received in a timely manner. Please note that all emails sent from or coming to this address are considered a public document and are subject to the State of Maine Freedom of Access Law.



Check One: ☐ Initial Application

☒ Reappointment Application

TOWN OF HAMPDEN

Alternate to Full Member

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Reilly LAST Joan FIRST C MI  
ADDRESS: 208 Western Ave. STREET #6 TOWN Hampden ZIP 01444 ME

MAILING ADDRESS (if different): \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ HOME 860-620-2225 WORK

EMAIL: jcreil@gmail.com

OCCUPATION: Pharmacy Operations Manager

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Planning Board

SECOND CHOICE (OPTIONAL): \_\_\_\_\_

How would your experience, education and/or occupation be a benefit to this board or committee? Hampden is a beautiful community and I would like to see it prosper & maintain its beauty.

Are there any issues you feel this board or committee should address, or should continue to address? \_\_\_\_\_

3 YEAR

CONSERVATION COMMITTEE  
BOARD OF ASSESSMENT REVIEW  
PERSONNEL APPEALS BOARD  
LURA HOIT MEMORIAL POOL  
ECONOMIC DEVELOPMENT COMMITTEE  
FRIENDS OF DOROTHEA DIX PARK

DYER LIBRARY  
RECREATION COMMITTEE  
BOARD OF APPEALS  
HISTORIC PRESERVATION COMMITTEE  
TREE BOARD

5 YEAR  
PLANNING BOARD

Andrew Nelson's Term (2019)

FOR TOWN USE ONLY

Date Application Received: \_\_\_\_\_

COUNCIL COMMITTEE ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

COUNCIL ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_ NEW APPT \_\_\_\_ REAPPOINTMENT DATE APPOINTMENT EXPIRES: \_\_\_\_\_

D-4-a



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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## Meeting

1 message

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**Genest Emil** <egenest@rsu22.us>

Thu, Apr 14, 2016 at 2:34 PM

To: Newburgh Manager <newburghmgr@uninets.net>, Phil Pitula <ppitula@adelphia.net>, Angus Jennings <townmanager@hampdenmaine.gov>

Cc: Niles Parker <nparker@mainediscoverymuseum.org>, Cindy Mitchell <cindy@maine.edu>, Lagassey Anne <aLagassey@rsu22.us>, Lyons Richard <rlyons@rsu22.us>, Heath Miller <hmliller@rsu22.us>

Cindy, Phil and Angus,

This email refers to recent correspondence, in which Town Managers from Newburgh, Hampden and Winterport wish to meet with school officials.

Superintendent Lyons and I are both available on Tuesday April 26th at 1:00 in the central office.

—

Emil P. Genest  
Assistant Superintendent  
RSU#22  
24 Main Road North  
Hampden, ME 04444  
(207) 862-3255  
Fax (207) 862-2789



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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**Re: Budget Report**

1 message

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**ppitula@roadrunner.com** <ppitula@roadrunner.com>

Thu, Apr 14, 2016 at 1:57 PM

To: Cindy &lt;newburghmgr@uninets.net&gt;, Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

Cc: Genest Emil &lt;egenest@rsu22.us&gt;

I concur with both Cyndi and Angus.

Phillip G. Pitula  
Town Manager  
Winterport, ME

— Angus Jennings <townmanager@hampdenmaine.gov> wrote:

> My notes from our 2/25 meeting indicate that we would meet again as a group  
> in April, and I agree this would be helpful. Ideally, this could take  
> place prior to the 4/26 Budget Committee meeting. Thanks -

>  
> On Thu, Apr 14, 2016 at 11:41 AM, Cindy <newburghmgr@uninets.net> wrote:

>  
> > Emil,

> >  
> > I wanted to ask if it would be possible for you to meet with Me, Phil and  
> > Angus in reference to the budget report you gave me. Would like to get  
> > better clarification on the report.

> >  
> >  
> > Cynthia Grant

> >  
> > Town Manager

> >  
> > 2220 Western Ave.

> >  
> > Newburgh, ME 04444

> >  
> > Tel# 234-4151

> >  
> > newburghmgr@uninets.net

> >  
> >  
> > NOTICE: Under Maine's Freedom of Access ("Right-to-Know") law,

> >  
> > documents - including e-mail - in the possession of public officials about  
> > City business

> >  
> > are classified as public records.

> >  
> > This means if anyone asks to see it, we are required to provide it.

> >  
> > There are very few exceptions. We welcome citizen comments and want to  
> > hear from our residents,

> >  
> > but please keep in mind that what you write in an e-mail is not private



March 28, 2016

**To the Members of the Hampden Infrastructure Committee,**

Solarize is a collective purchasing program for homes, small businesses, farms, and community solar projects that was Initiated in Portland, Oregon in 2009. The Solarize process has spread across the country - currently in Maine there are projects in [Freeport](#), [Mid Maine](#), and [Midcoast Maine](#).

The idea for a Solarize project for the Bangor area grew out of a "Solar Powering your Community" workshop sponsored by the cities of Bangor and Brewer and the Bangor Region Chamber of Commerce, held at the Cross Center in May of 2015. Dennis Marble was one of the attendees.

The goal of Solarize is to promote the installation of distributed solar power by bringing together interested home and business owners to contract for solar installation at a reduced rate. Purchasers have been shown to save up to 10% of their installation costs. Coupled with the 30% federal tax credit and other possible financing options, solar can become very affordable.

I am available to coordinate the project as a volunteer. I work part time at the Peace & Justice Center of Eastern Maine, and have experience as a community organizer (references listed in attached document). Three community members are currently serving as Advisors to the project: Josh Plourde of the Bangor City Council, Sharon Klein of the Economics Department at U Maine, and Rick Reardon, Chair of the Electrical & Automation Department at EMCC.

Municipal, regional, & state government entities have primarily lead the way on Solarize projects in other areas, including Maine. I believe a collaboration between a few local municipalities and the Eastern Maine Development District (EMDC) would be ideal for the Greater Bangor area.

On March 21, I presented Solarize to the Bangor City Finance Committee, which was very receptive. They will discuss it again at their next meeting in early April. I also met with Jeff Whelan of EMDC who is likely to come on board. I am in conversation with Mark Leonard, Town Manager of Veazie, and Geoff Gordon, town councillor in Orono.

The role of municipalities in the Solarize process would be to:

- Provide the community with a trusted emissary by adding their name as a partner.
- Assist with outreach to potential solar purchasers through established municipal networks and outreach tools.

We expect this project would easily piggyback on already existing municipal activities, and therefore not require much staff time. We are not requesting any funds.

I hope the Town of Hampden will join this effort to promote locally produced clean energy, installed by local workers, which will be of benefit to all ratepayers.

Sincerely,

Karen Marysdaughter

[karenmd@myfairpoint.net](mailto:karenmd@myfairpoint.net)

262-3706 (home) 930-5440 (cell)

Note: The state legislature and the PUC are currently considering changes to solar policy in Maine. I am following the process closely to see if and how it might affect a Solarize project in the area. I am attaching a white paper developed by the Public Advocates office on the matter.



Additional Information for Municipalities, March, 2016

Submitted by Karen Marysdaughter

Greater Bangor Solarize Advisors (a few others may be added - suggestions welcome!):

Josh Plourde, Bangor City Council, Sharon Klein, University of Maine Department of Economics, & Rick Reardon, EMCC Electrical Technology program.

National Solarize Support: [Department of Energy SunShot Initiative](#), [Solarize Guidebook](#)

Regional Solarize Support: [Clean Energy States Alliance](#), [CESA Solarize Guide](#)

Potential partners:

- Bangor, Brewer, Hampden, Veazie, Orono municipalities
- Eastern Maine Development Corporation

References for my community organizing experience:

[Malcolm Burson](#), Public Policy Advisor at the Conservation Law Foundation and former Maine DEP Associate Policy Director - [mburson@clf.org](mailto:mburson@clf.org)

[Dan Dixon](#), University of Maine Sustainability Coordinator - [daniel.dixon@maine.edu](mailto:daniel.dixon@maine.edu)

[Vaughan Woodruff](#), owner, InSource Renewables, member ME Association of Building Energy Professionals, and Chair of their Committee on Renewable Energy - [vwoodruff@insourcerenewables.com](mailto:vwoodruff@insourcerenewables.com)

Contacts for Maine Solarize projects that I have talked with, and are willing to talk to municipal contacts:

Solarize Freeport - Donna Larson, Town Planner, [dlarson@freeportmaine.com](mailto:dlarson@freeportmaine.com)

Solarize MidMaine - John Reuthe, consultant for City of Waterville, [jreuthe@waterville-me.gov](mailto:jreuthe@waterville-me.gov)

Solarize Midcoast Maine - Jeff Kobrock & Bill Najpauer, Eastern Maine Development District, [jkobrock@mceddme.org](mailto:jkobrock@mceddme.org) & [bnajpauer@mceddme.org](mailto:bnajpauer@mceddme.org)

Sample Solarize documents, including RFP's:

Available through SunShot Initiative, CESA, and the other Maine Solarize projects.

Draft timeline:

March - April, 2016 - Recruit partners

May - September - Do outreach and create list of interested home & business owners

(Note: I am in conversation with Bangor Greendrinks about featuring Solarize at one of their summer events, and with Bangor Rotary about doing a presentation at one of their Breakfasts)

Mid May - Send out RFP

Late June - Select installer(s)

July - mid September - Solar 101 informational session(s)

September 30 - Deadline to enter into contract with Greater Bangor Solarize project

Karen Marysdaughter

21 Mt. Desert Dr.

Bangor, ME 04401

[karenmd@myfairpoint.net](mailto:karenmd@myfairpoint.net)

262-3706 (home)

930-5440 (cell)

# A Ratepayer Focused Strategy for Distributed Solar in Maine

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## 1. Introduction

This white paper offers a framework for sustainable growth in Maine's distributed solar energy sector that maximizes and fairly allocates benefits for all ratepayers. This approach builds on the Public Utilities Commission's recent "value of solar" study as well as lessons learned from other states. The policy proposed is specifically tailored to the state of Maine and offers innovative program design features intended to capitalize on the latest technological advances in the solar industry. The goals guiding this policy are the following:

- **Maximization of ratepayer benefits:** Establish competitive market structures that take advantage of advances in technology and declining costs to the benefit of all ratepayers.
- **Transparent allocation of costs and benefits:** Clearly link actual system benefits to transparent compensation mechanisms.
- **Opportunity for participation across all solar market segments:** Allow every market segment the opportunity to participate in the program on fair terms, from retail customer-paired residential solar, commercial and industrial resources, to standalone distribution-connected wholesale resources.
- **Market-based encouragement of technological innovation:** Allow data-based value adders to encourage technologies, combinations of technologies, and resource dispatch behaviors that are beneficial to the grid.
- **A fair balancing of stakeholder interests:** Each key stakeholder group receives equal consideration with a focus on win-win approaches (*e.g.* no one group left as a clear loser or winner).

While designed to present a coherent and holistic policy framework for state-wide adoption, this whitepaper is also intended to solicit stakeholder feedback.

### 1.1 High-level Policy Overview

This framework uses market forces to maximize value to all ratepayers, while fairly compensating solar adopters. The core attributes of the policy are as follows:

1. A cost-conscious alternative option to the current net metering based system.
2. Long-term compensation structures with a levelized cost of energy cap set initially at a level based on a value of solar analysis and above the current level of compensation offered by net metering.
3. Competitive bidding and capacity based step downs to drive actual program costs well below this initial level.

4. The potential (if the market can reach aggressive pricing targets) for 300 MWs of total new solar capacity by 2025, divided between three market segments – wholesale (150 MW), residential/commercial (100 MW), and industrial/community (50 MW).
5. Aggregation and procurement of solar resources to capture and monetize the value of solar generation in the relevant markets.

This whitepaper is divided into four sections, including this introduction (Section 1). Section 2 provides an overview of Maine's existing net metering policy, its advantages and its shortcomings. Section 3 describes the results of the Maine Public Utilities Commission's value of solar study. Section 4 describes an alternative solar policy, rooted in the Commission's value of solar analysis and the goals described above. The Appendix includes lessons learned in three states, California, Arizona, and Minnesota that informed the policy approach set forth here.

## 2. Overview of Net Energy Policy in Maine

Net metering, or net energy billing (NEM), is a billing mechanism that allows customers to receive credit for energy produced on-site that is sent back to the grid at the variable retail electricity rate. In Maine, this is currently the primary incentive available for distributed solar generation. Maine's two investor-owned utilities (IOUs) must offer net energy billing to their customers.

Net metering is popular with both customers and the solar industry. The primary benefit of net metering is its simplicity: to rate payers, developers, investors, and regulators.

However, the falling costs of solar, paired with rising retail electricity costs have driven increased adoption that has revealed certain issues with the net metering platform. While it is not an issue yet in Maine, the scalability of NEM is under review in a number of states. At high penetrations of solar, the retail rates underpinning NEM may not send timely or appropriate price signals to solar adopters—in short, these customers might be compensated at rates that either do not reflect the value of the resource or the continuing decline in the installed cost of solar. While this may result in higher levels of solar installation, at increased penetration rates these issues may undermine the scalability of the policy.

Other issues inherent in the net metering incentive structure include:

- There is no certainty for net metering customers, whose rates may change in response to variations in wholesale prices and rate design. This lack of certainty can raise consumer protection concerns and may also impact the costs of financing.
- The economics of the underlying rate design may not make sense for larger commercial and industrial customers because their costs are largely recovered through demand charges.
- High rates of rapid adoption can lead to significant cost shifts to non-net metered customers. In other words, as net metered customers invest in self generation and reduce their electricity bills, non-net metered customers might pick up a greater share of the overall costs to deliver energy.
- There is little transparency regarding the relative costs/benefits and cost shifts.



- Discussion of rate design changes affecting all customers may be disproportionately impacted by a small, subset of solar customers and supporters.

For many of the reasons stated above, some states are revisiting traditional net metering or, at least, the underlying rate designs upon which it rests. In Maine, a Commission imposed check-in point of NEM occurs when 1% of peak system load is reached by NEM based systems. This target is on the verge of being reached for Central Maine Power in 2015.

### 3. The Maine Distributed Solar Valuation Study

Pursuant to the “Act to Support Solar Energy Development in Maine” (P.L Chapter 562; codified at 35-A M.R.S. §§ 3471-3473) (“Act”), the Maine Public Utilities Commission (“Commission”) was required to develop a methodology for determining the value of distributed solar energy generation in the State. In March of 2015, after robust stakeholder input on all aspects of the methodology, the Commission published the “Maine Distributed Solar Valuation Study.” The Study contained three major findings: (1) a methodology for estimating the cost and benefits of solar, (2) values for each cost and benefit (expressed as dollars per kilowatt hour) for the three utility territories, and (3) implementation options for encouraging solar adoption within the State’s existing utility framework.

#### 2.2 Methodology for Quantifying Costs and Benefits of Solar PV

The Public Utilities Commission and their consultants, with direction from the Legislature, identified ten categories of benefits and costs that provide a reasonable estimate of what distributed solar energy can provide to the state of Maine. Given the broad variation in output and location of solar facilities and the complexities of Maine’s competitive market structure, the study made a number of sensible simplifying assumptions. One of the benefits of the policy proposal outlined below is the opportunity to refine these values based on changes in the relevant markets and data based on actual output of solar facilities in Maine. Figure 1 below highlights the elements considered in the cost/benefit calculation performed in the Commission’s study.

**Figure 1. Identified Cost and Benefits from Maine Distributed Solar Valuation Study**

Component	Benefit/Cost Basis
<b>Avoided Energy Cost</b>	Hourly avoided wholesale market procurements, based on ISO New England day ahead locational marginal prices for the Maine Load Zone.
<b>Avoided Generation Capacity and Reserve Capacity Costs</b>	ISO New England Forward Capacity Market (FCM) auction clearing prices, followed by forecasted capacity prices by the ISO’s consultant. For reserves, the ISO’s reserve planning margin is applied.
<b>Avoided Natural Gas Pipeline Costs</b>	Not included, but left as a future placeholder if the cost of building future pipeline capacity is built into electricity prices.





Component	Benefit/Cost Basis
<b>Solar Integration Costs</b>	Operating reserves required to handle fluctuations in solar output, based on the New England Wind Integration Study (NEWIS) results.
<b>Avoided Transmission Capacity Cost</b>	ISO New England Regional Network Service (RNS) cost reductions caused by coincident solar peak load reduction.
<b>Avoided Distribution Capacity Cost</b>	Not included, but left as a future placeholder if the peak distribution loads begin to grow (requiring new capacity).
<b>Voltage Regulation</b>	Not included, but left as a future placeholder if new interconnections standards come into existence allowing inverters to control voltage and provide voltage ride-through to support the grid.
<b>Net Social Cost of Carbon, SO<sub>2</sub>, and NO<sub>x</sub></b>	EPA estimates of social costs, reduced by compliance costs embedded in wholesale electricity prices.
<b>Market Price Response</b>	The temporary reduction in electricity and capacity prices resulting from reduced demand, based on the Avoided Energy Supply Costs in New England (AESC) study.
<b>Avoided Fuel Price Uncertainty</b>	The cost to eliminate long term price uncertainty in natural gas fuel displaced by solar.

Source: Adapted from Table ES-1. Benefit/Cost Bases from Maine Distributed Solar Valuation Study. Pg. 3. <http://www.nrcm.org/wp-content/uploads/2015/03/MPUCValueofSolarReport.pdf>

Specific monetary values for providing the benefits listed above were aggregated to each of the three utility service territories (*i.e.*, Central Maine Power – CMP; Bangor Hydro District - BHD, and Maine Public District - MPD). As shown in Figure 2 below, the 25-year levelized cost<sup>1</sup> of distributed solar in CMP’s service territory was approximately \$0.337/kWh. This estimate is broadly broken out by “Avoided Market Costs” and “Societal Benefits,” valued at \$0.138/kWh and \$0.199/kWh respectively.

<sup>1</sup> Levelized cost represents the average total cost to build and operate the power-generating asset over its lifetime divided by the total power output of the asset over that lifetime. It is a metric often used to compare the price competitiveness of different generating technologies.





Figure 2. CMP Distributed Value – 25 Year Levelized (\$ per kWh)

25 Year Levelized		Gross Value A (\$/kWh)	Load Match Factor B (%)	Loss Savings Factor (1+C) (%)	Distr. PV Value D (\$/kWh)
Energy Supply	Avoided Energy Cost	\$0.076		6.2%	\$0.081
	Avoided Gen. Capacity Cost	\$0.068	54.4%	9.3%	\$0.040
	Avoided Res. Gen. Capacity Cost	\$0.009	54.4%	9.3%	\$0.005
	Avoided NG Pipeline Cost				
Transmission Delivery Service	Solar Integration Cost	(\$0.005)		6.2%	(\$0.005)
	Avoided Trans. Capacity Cost	\$0.063	23.9%	9.3%	\$0.016
Distribution Delivery Service	Avoided Dist. Capacity Cost				
	Voltage Regulation				
Environmental	Net Social Cost of Carbon	\$0.020		6.2%	\$0.021
	Net Social Cost of SO <sub>2</sub>	\$0.058		6.2%	\$0.062
	Net Social Cost of NO <sub>x</sub>	\$0.012		6.2%	\$0.013
Other	Market Price Response	\$0.062		6.2%	\$0.066
	Avoided Fuel Price Uncertainty	\$0.035		6.2%	\$0.037
		Avoided Market Costs			\$0.138
		Societal Benefits			\$0.199
					\$0.337

Source: Norris, Benjamin; Grace, Robert; Perez, Dr. Richard; Rabago, Karl. Maine Distributed Solar Valuation Study. Prepared for the Maine Public Utilities Commission. Revised April 14, 2015. Pg. 50.  
<http://www.nrcm.org/wp-content/uploads/2015/03/MPUCValueofSolarReport.pdf>



### 2.3 Avoided Market Costs and Societal Costs

The costs and benefits identified by the Commission fall into two primary categories: avoided market costs, and societal costs.

#### Avoided Market Costs

Avoided Market Costs are values that most directly affect electricity customer bills. These include the costs and benefits related to capital expenditures and operating expenses normally recouped by the utility in a customer's electricity bill. Distributed solar can offer ratepayer benefits by allowing for avoided costs including avoided energy purchases, avoided capacity purchases and avoided transmission upgrades. The system-wide reduction in electricity and capacity prices due to an overall reduction in energy demand (stemming from distributed solar generation) is a direct benefit as well; however, it applies to all ratepayers and is not directly monetizable. From a cost perspective, having more intermittent generation can lead to additional outlays associated with integration and voltage regulation.

#### Societal Costs

Societal benefits include environmental benefits in the form of avoided air pollution (CO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub>) and avoidance of long-term fuel price uncertainty. These values are typically not included in the utility's ratemaking process or the supply portion of a customer's bill.

#### Relevant and Direct Values to Ratepayers

Projecting market-based costs and benefits out many years is not without some uncertainty but quantifying societal considerations presents a more challenging undertaking. To be clear, these benefits do exist and can be meaningful; however, the ultimate value may be harder to quantify, much less allocate. Establishing a compensation rate that is initially above direct market cost is one way of recognizing the environmental benefits of solar while not using ratepayer dollars to pay directly for non-market values that may be difficult to quantify. Alternatively if the cost-benefit analysis is clearly justified based upon the avoided market costs, and sufficiently compensates solar generators, the goal of maximizing ratepayer benefits can be achieved without paying directly for societal benefits.

## 4. A New Program Design

The policy presented here is based on the premise that there are now better ways than net metering to encourage solar adoption that send the right signals to developers and consumers, drive technological innovation, and allow utilities to more easily manage the increase in intermittent generation. This paper presents policy concepts for two important distributed solar market segments in Maine:

- **Customer-sited** (systems installed for residential and small commercial/industrial customers)
- **Wholesale** (systems installed on the utility side of the meter within the distribution system)

An aggregation entity, or "Solar Standard Buyer" (SSB) would interface with the customer sited market segment. Under the existing net metering construct, this role is currently assumed by the Standard Offer Provider or a customer's competitive electricity provider. Centralizing procurement with the SSB would



allow for a more efficient aggregation and sale of the different attributes solar energy can provide. The SSB would aggregate the energy, RECs, capacity value, and ancillary services potential and monetize these in the applicable markets. As stated previously, the underlying goal of the policy structure is to allow Maine ratepayers to capture the benefits of distributed solar energy while minimizing the costs and inequities experienced in other states.

For the wholesale market, the Commission would solicit competitive bids with the ultimate purchaser for these contracts being the Standard Solar Buyer. The amounts purchased would “prime the pump” for the Standard Solar Buyer’s solar portfolio to ensure that the portfolio is of sufficient scale to efficiently monetize the benefits described above.

These policies combine the values of distributed solar calculated in the Commission’s Study with the lessons and experience from other states. The idea is to set Maine on a course that allows the distributed solar market to grow and thrive and for incentives to align with market maturity. If successful, this policy could provide a platform for future innovation and development for all types distributed resources. Below is a more detailed discussion of each program and market specifics.

#### **4.1 Customer-sited Solar Contract**

For the customer-sited market segment, the compensation structure must be straight forward for the customer and subject to reasonable financing.<sup>2</sup> The core of the policy is the Customer-sited Solar Contract (“CSC”), a fixed-price, 20-year contract between the customer and the solar aggregator. Twenty years is a common term for solar equipment financing and well within adopter payback. The compensation rate for all market segments would be capped initially at the sum of the direct market derived values found in the Distributed Solar Valuation Study (see below). While societal values will not be compensated directly (for reasons stated above), if the solar industry thrives below the value cap then all Maine residents reap the financial and environmental benefits of solar. The following is the value stack associated with a 20-year levelized assessment:<sup>3</sup>

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<sup>2</sup> Experience in other states shows that the ability to obtain reasonable financing for customer-sited solar is essential to ensuring access to customers across a range of income levels.

<sup>3</sup> Several potential market-based values were not included in the value stack presented by the Commission valuation study. These include avoided natural gas pipeline cost, avoided distribution capacity cost, and ancillary service benefits. These values can either be hard to quantify, de minimis, and/or highly locational. The CSC structure should not neglect solar’s possible value in these areas and when appropriate, the compensation rate should reflect locational specific benefits. Nevertheless, the quantification of these benefits for compensation will have to be based on further study and market data from actual deployment or established on a project/location specific basis.



**Figure 3. Levelized Value Stack (20 years) for Customer-sited  
Solar Contract - CMP**

Value Component	CMP 20 Year LCOE (\$/kWh)
Avoided Energy Cost	\$0.078
Avoided Generation Capacity Cost	\$0.039
Avoided Residential Generation Capacity Cost	\$0.005
Solar Integration Cost	-\$0.004
Avoided Trans. Capacity Cost	\$0.016
Market Price Response	\$0.069
<b>Total</b>	<b>\$0.20</b>

Under the CSC, a solar aggregator would enter in a long-term, fixed contract with residential and small business customers that choose to host solar energy. The “payment” would be based on a per kWh rate that would appear as a monthly bill credit on the customer’s bill (similar to Maine’s existing NEM structure). The level of compensation would be capped at \$0.20/kWh.

As stated above, centralizing procurement with the Solar Standard Buyer would allow for a more efficient aggregation and selling of the different attributes solar energy can provide. The role of the solar aggregator is also central to this policy framework. The solar aggregator, which could be a distribution utility or a Commission-designated third party, will be the counterparty for each CSC, and will be responsible for aggregating and monetizing the value of the different attributes Maine’s solar generation fleet provides.

Both the payments to customers under a CSC and the revenues received through this aggregation and sale would be credited to all customers through T&D utilities’ existing stranded cost mechanisms. The near-term premium, the difference between the amount recovered by the solar aggregator and the amount paid under a CSC, would be covered in the stranded cost adjustor on each customer’s bill. Likewise, this would be the same account that would be credited when wholesale prices increase above the solar contract.

While the near-term compensation level for a CSC is higher than current retail and wholesale rates, non-participating customers will be better off than under net metering, because they will capture, monetize and retain substantially more of the benefits associated with distributed solar generation. Non-participating customers may even realize benefits over time if the revenue received from monetizing the benefits described above overtakes the fixed price of the solar contract. Because the first year level of compensation is capped based on the avoided market costs calculated in the Commission’s value of solar, customers will not pay more than the best available estimate of the likely benefits to them, even if all of these benefits are not directly monetized by the Solar Buyer.



## 4.2 Market Based Step Downs

Common practice for large scale resource procurement is bilateral competitive bidding. For small PV systems on rooftops this is administratively burdensome and impractical for a variety of reasons. Nonetheless, there must be some mechanism to deliver ratepayer benefit as the solar industry scales and the technology matures. The appendix of this whitepaper contains two case studies of states that successfully implemented a capacity-based step down. This policy adopts that approach.

For residential and commercial customers, a declining trigger mechanism based on installed capacity would be established to automatically decrease the level of compensation for new customers entering into CSCs (not existing CSC customers). The capacity-based step down approach would reduce the CSC contract price by \$0.01/kWh at each step until the incentive reaches wholesale electricity rates. As shown in Figures 4 and 5, the number of MWs available at each step increases with each consecutive step.

**Figure 4. Incentive levels for a Capacity-based step down Approach**

Step	MW in Step	Cumulative Installed Capacity	Step-specific Incentive Level (¢/kWh)
1	5	5	20
2	6	12	19
3	7	19	18
4	8	27	17
5	9	36	16
6	10	46	15
7	11	57	14
8	12	69	13
9	14	83	12
10	17	100	11 (or fixed wholesale rate)

The design of the program attempts to glide the industry to scale in a cost effective manner to 2025. The average compensation decline rate through the various steps is approximately 6.5%. This was designed to correlate to the average declines in solar energy system costs over the past 15 years.<sup>4</sup> The declines also more than cover the diminishing returns associated with increase solar penetration.

It is important to note that the rates above are for standard PV systems without locational adders or additional benefits that can be realized when combining PV with other technologies like controllable water heaters, energy storage, or with demand response programs. The Commission could create future

<sup>4</sup> Reported system prices of residential and commercial PV systems declined 6%–7% per year, on average, from 1998–2013, and by 12%–15% from 2012–2013, depending on system size. Photovoltaic System Pricing Trends, 2014 Edition, US DOE SunShot: <http://www.nrel.gov/docs/fy14osti/62558.pdf>

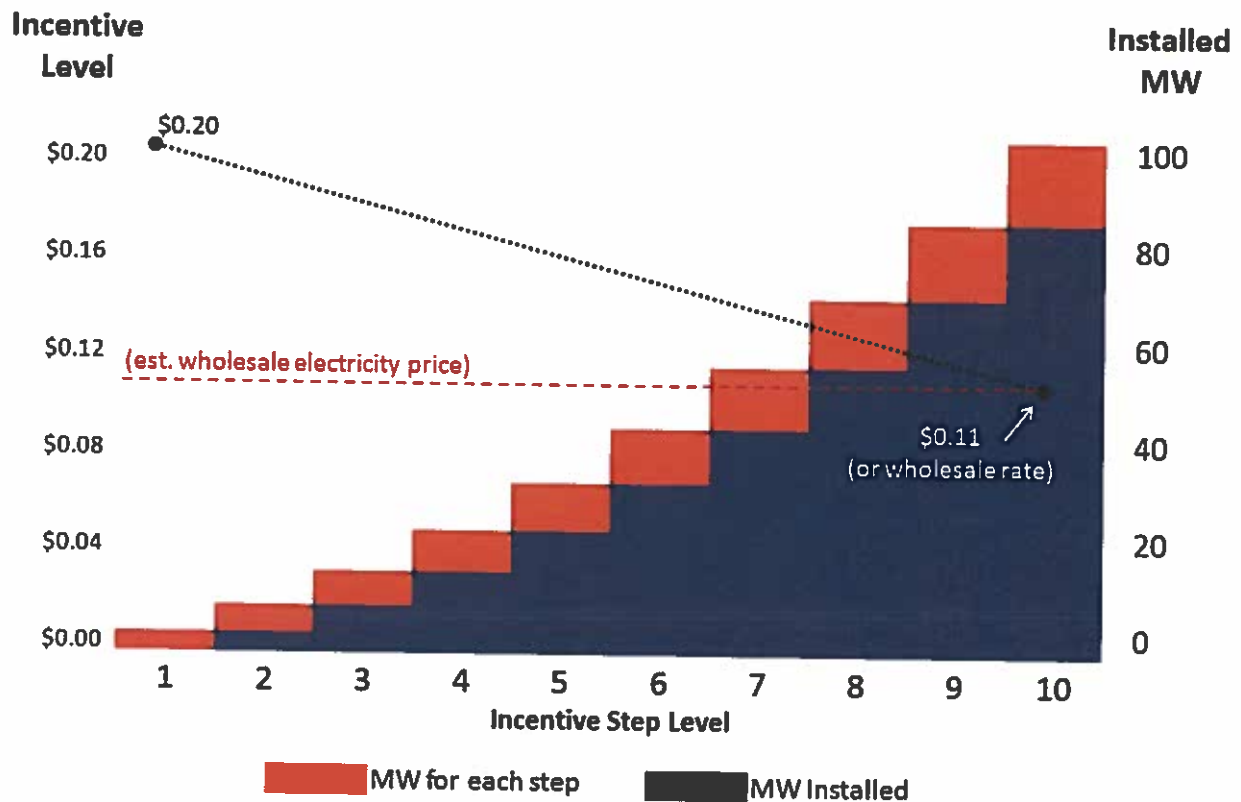


set asides with higher compensation depending on market condition, capacity value, and other state objectives.

A 50 MW carve-out would be created for large commercial and industrial customers as well as community-based solar installations. The Commission would conduct a quarterly reverse auction for a specified level of installed capacity, where only the lowest project bids would be accepted. As with residential CSCs, the output of the facilities would be purchased by the solar aggregator. The cap of the compensation would be equivalent to the corresponding cap of the residential program at that time, though we anticipate that these bids would be considerably lower. This would allow large commercial and industrial customers, and residential customers without access to suitable locations on their own property, to participate in the distributed solar market, while using market-based mechanisms that capture the economies of scale associated with larger installations to drive down costs to all ratepayers.

Once the capacity-based step down mechanism is in place, on an annual basis, the Commission can revisit and adjust value of solar (VOS) levels according to changes in the energy market (e.g., spikes in natural gas prices) or include adders to stimulate more adoption. Any potential changes in the VOS would not affect customers with existing long-term contracts. As such, there will be minimal impacts to the ability to finance projects. In the event that the Commission decreases the VOS below an existing step, the revised value will remain unchanged until a subsequent step is triggered with a lower value. If the Commission increases the VOS, it will need to stipulate how it declines by step.

**Figure 5. Overview of Step-level Changes**



### 4.3 Wholesale Distributed Generation Program

While the value of solar study informs a maximum cap of \$0.20/kWh, the lower the compensation rate paid to solar generation facilities under this “value of solar” cap, the greater the benefits to Maine’s non-participating ratepayers. Fortunately, the economies of scale that solar energy possesses can bring the price per kWh down quickly. Therefore, utility side of the meter wholesale solar within the distribution system may bring all the benefits of customer sited solar energy but at much lower cost. The output of these larger facilities would also serve to provide a critical mass of solar output to make aggregation and sale of the output from residential solar by the Solar Buyer more cost-effective.

Similar to the arrangement described above in Figure 5, developers of these 1-5 MW scale installations would be compensated at a fixed rate. Bi-annual competitive procurement by the transmission and distribution utilities would attempt to find the lowest priced but most impactful projects. The mechanism would be similar to that currently used by the Commission under 35-A M.R.S. § 3210-C to purchase energy and capacity from grid scale renewables.

### 4.4 Program Size

The program size for Maine was determined by studying California’s CSI program (see Appendix) and Arizona’s distributed generation set asides as a proxy. When California’s CSI program started in 2007, the goal was to install approximately 1,940 MW of new solar generation for homes and small businesses. At the time, this represented about 3% of their total installed capacity.<sup>5</sup> Arizona’s RPS based program set a DG solar target of 4.5% of load by 2025.<sup>6</sup> Maine’s current generation capacity is approximately 4,500 MW.<sup>7</sup> In 2014, Maine’s retail electricity load for its investor-owned T&D utilities was approximately 10,500 GWh. A 2025 DG target of 3.3% is between CA and AZ’s target (trending more towards California) and would result in approximately 150 MW of new solar capacity. This would be complimented by 150 MWs for wholesale programs over five years. This establishes a total potential program size of 300 MW if the market succeeds on compensation rates closer to wholesale. By comparison, recent legislative proposals in Maine advanced by solar advocates targeted 200 MW of new solar installations by 2021.

A total of nearly 5% of load served by customer sited and wholesale solar resources is reasonable given the maturing state of the solar technology, especially if the program envisioned fully utilizes advanced inverters, optimal locations, and coupling with other technologies. Moreover, if the full 300 MW is deployed, a large portion of those MWs will be compensated at or near the future wholesale rate of energy. If this occurs, it would present a significant amount of benefits to ratepayers for years to come. A sensitivity analysis conducted in the Maine Distributed Solar Valuation Study for exactly 300 MW of distributed solar shows solar retains value even at higher penetrations.

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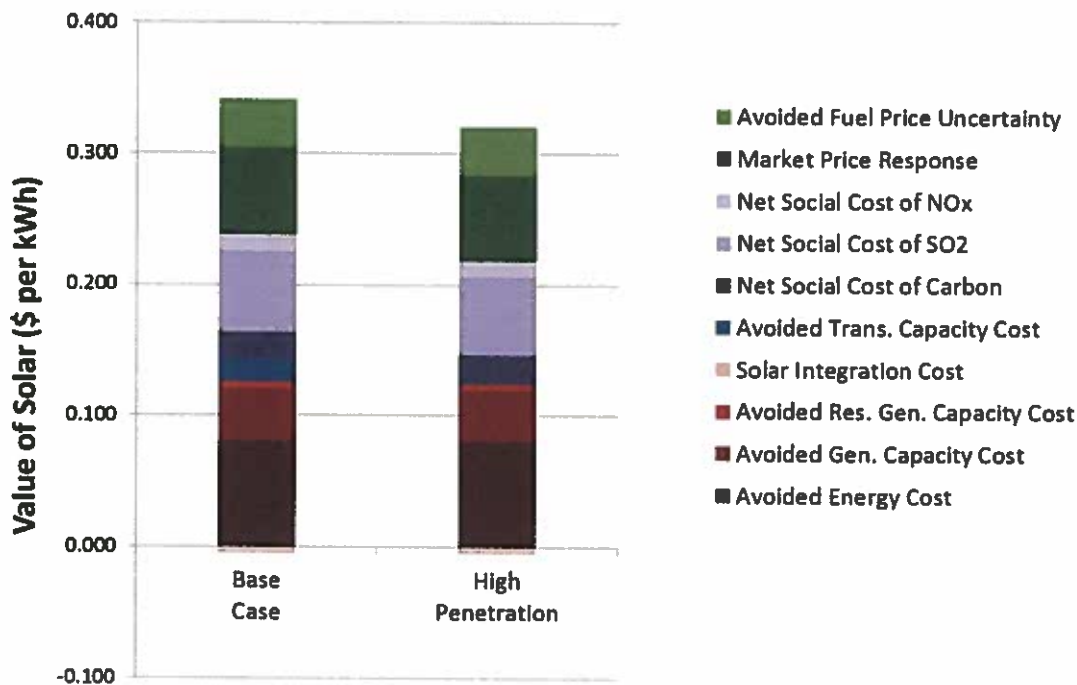
<sup>5</sup> California Energy Commission. Installed in-state Electric Generation Capacity by Fuel Type (MW). Energy Almanac. [http://energyalmanac.ca.gov/electricity/electric\\_generation\\_capacity.html](http://energyalmanac.ca.gov/electricity/electric_generation_capacity.html)

<sup>6</sup> 2006, the Commission approved the Renewable Energy Standard and Tariff <http://www.azcc.gov/divisions/utilities/electric/res.pdf?d=97>

<sup>7</sup> U.S. Energy Information Administration. Maine Electricity Profile, 2012. <http://www.eia.gov/electricity/state/main/>



Figure 7. 300 MW Sensitivity (CMP)<sup>8</sup>



#### 4.5 Additional Program Features

Very few resources are able to be deployed in a modular fashion within the distribution system and on customer premises. Clearly, the various attributes of solar energy bring challenges and opportunities. However, correctly structured programs can balance the tradeoffs. Significant flexibility could be built into both programs to allow for such things as locational adders, advanced inverters, renewable energy credit transfer, and differentiated rates based upon on-peak performance. The following list includes some additional features of the proposed solar programs:

**Renewable Energy Credit (“REC”) Transfer** – With a portion of Maine’s renewable resources able to deliver to other states and the unknown impact of the EPA Clean Power Plan, RECs can be valuable to the state. As such, program participants would be required to assign their RECs over to the distribution utility.

**Advanced Inverters** – New inverters have the capability to provide grid services and remotely update new software parameters to meet future needs. Program participants would be required to obtain advanced inverters. Further, if in the future the distribution utility seeks to control certain inverter functions remotely, they could do so as long as the impact on system production was less than 5%. The potential of having an aggregated fleet of distributed resources could yield many benefits to Maine’s ratepayers.

<sup>8</sup> Norris, Benjamin; Grace, Robert; Perez, Dr. Richard; Rabago, Karl. Maine Distributed Solar Valuation Study. Prepared for the Maine Public Utilities Commission





**Role for Other Technologies** - This VOS program puts in place the infrastructure for other resources like combined heat and power (CHP), energy storage, and small-scale hydro to take advantage of once their respective benefits are studied. The general framework of market competition and long-term contracts can easily be swapped to different technologies. More importantly, the greater the diversity of resources, the better it is from a grid balancing perspective. The unique attributes of the different technologies available today bring system wide diversity and resiliency to the system.

**Obligation of the Solar Standard Buyer and Distribution Utility** – The Solar Standard Buyer plays a key role in these programs. It must actively seek ways to maximize the value of the solar resource and facilitate market adoption within the confines of the program. Likewise, distribution utilities have a responsibility to drive down the soft costs of distributed energy resources through streamlined interconnection and constructive participation in procurement programs. Subject to reasonable limitations, there could be a role for utility participation in the wholesale distributed generation program.

**Yearly Program Revision** – The Commission must have a yearly update and review process to ensure correct compensation and offer new ones to maximize solar's value. This can include price signals to encourage different production profiles, dispatchability by encouraging pairing with onsite storage, or location-specific targeting. Again, new rates would only impact new subscribers. The market based step downs should alleviate any concern of over compensation, but a regular review may be needed, particularly in response to new occurrences in the market (e.g. gas prices volatility and new regulations).

**Switching for Existing NEM Customers** – Those customers that want to switch to the CSC program can do so as long as they separately meter their installation, assign over their RECs, and commit to installing an advanced inverter when replacement of their current inverter is needed. These customers would have no impact on the total program cap or step downs but a limited window would exist for switching. Those NEM customers who choose not to switch would continue in that program.

**Tax Implications** – The non-wholesale PV systems under this program would still be on the customer side of the meter and the kWh based compensation would not be a legal sale of energy. It would be a non-taxable bill credit. As under the current program, any excess credits at year end would be forfeited to the distribution utility.

**Federal Policy Considerations** – If the 30% Federal Investment Tax Credit sunsets, the current rate of CSC compensation for new sign-ups increases proportionally to make up for the loss as long as compensation rate is still below the \$20 cent/kWh cap. The same treatment applies to any new tax implications that may arise for the proposed compensation structure.

**End of Term Conditions** – For all market segments, after the term of the contract is completed, the solar host would be paid at a different rate based on either a wholesale derivative or the then current value of solar rate.

#### 4.6 Comparison to NEM

Figure 6 highlights the existing retail rates in Maine. The capacity-based step down approach would compensate the customer at rates that initially exceed retail rates. Not until Step 8 or 9 does the

estimated payment match current retail rates. A customer's preference at that point depends on future rates and rate design as well as risk tolerance. The CSC provides a fixed predictable rate with adders to encourage technology coupling. Net metering under a traditional rate design does not offer those features even if it is initially at a higher rate than the CSC.

**Figure 6. Standard Offer Rates for Maine IOUs**

(All values in expressed as ¢/kWh)

Investor-owned Utility	Delivery Rates	Residential /Small Commercial	Total*
CMP	4.19	6.45	10.73
Emera - Bangor Hydro Division	6.63	6.64	13.13
Emera - Maine Public Division	6.31	8.49	14.80
<b>Average</b>		<b>7.19</b>	<b>12.89</b>

Source: [http://maine.gov/mpuc/electricity/standard\\_offer\\_rates/index.html](http://maine.gov/mpuc/electricity/standard_offer_rates/index.html)

\*The average retail rate for Medium Non-residential customers is approximately the same as residential (12.90 ¢) through the end of 2015.

**Figure 7. Highlights the differences between the existing net metering framework and proposed program design**

Existing NEM Structure	New CSC Program Design
<b>Non transparent payment that can be either above or below the true market cost</b>	Fully transparent compensation rate with customers being paid for the actual values they provide to the grid
<b>More difficult for utility to manage grid as intermittent generation increases</b>	Smart inverters are required.
<b>Lack of easily updateable price signals</b>	Transparent setting of prices on a regular basis
<b>Non locational and technology coupling adders</b>	Able to reward systems in beneficial locations and/or pairing with other technologies
<b>Uncertain economics due to future rate changes</b>	A 20-year contract at a fixed price makes solar financing easier and does not leave customers with unmet expectations if anticipated cost increases do not materialize.

Figure 8. Representative Utility Bill with Value of Solar Credit

 <p><b>CENTRAL MAINE POWER</b></p>	<p>Your CMP account number: <b>211-000-0000-001</b></p>		<p>Central Maine Power customer assistance line <b>1-800-750-4000</b> To report a power outage: 1-800-696-1000</p>	 <p><b>J.Q. CUSTOMER</b> <b>12 ANYWHERE RD</b> <b>ANYTOWN STATE</b> Service location</p>
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Billing date: 09/08/14

Read cycle: 09

Page: 001 of 003

**Customer Meter Summary**

Meter Number	Read Date	Prior Read date	Number of Days	Meter Reading	Prior Meter Reading	Total KWH
AB0000000000	09/04/14	08/07/14	30	81907	81169	738

Account Summary

Prior balance						\$103.32
Payments received through 09/08/14 - thank you					\$103.32-	
Balance forward						\$0.00
New charges						
Electricity Delivery:	Central Maine Power (see details below)				\$54.18	
Electricity Supply:	Standard Offer Service				\$55.79	
Value of Solar Credit:	300 KWH @ \$0.20/KWH					(\$60.00)
Total new charges						\$49.97
Current Account Balance:						\$49.97

You have agreed to pay before 10/04/14	\$49.97
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**Central Maine Power Delivery Service Account Detail**

Prior balance for Central Maine Power delivery						\$40.85
Payments received - thank you					\$40.85-	
Balance forward						\$0.00
Current delivery charges						
Delivery Charges: Residential						
Delivery Service:	738 KWH					
	Up to 50 KWH @	\$10.65			\$43.53+	
	Other 50 KWH @	\$0.063264				
Total current delivery charges	\$43.53					
Central Maine Power account balance:						\$43.53

*Please see back page for important information*

	09/14	08/14	07/14	06/14	Your electricity usage (in kilowatt hours)				01/14	12/13	11/13	10/13	09/13
Daily	25	23	24	25	23	22	23	21	19	28	25	23	21
Monthly	738	700	740	701	680	663	774	583	608	617	808	678	599

Please return this stub with payment to CMP. If applicable, supply payments are forwarded to the appropriate energy provider. Do not send cash or coins, and do not return with staples or paper clips. Refer to back to fill in information for mail address changes or to sign up for the Automatic Payment Option plan.

00018D

J.Q. CUSTOMER  
12 ANYWHERE RD  
ANYTOWN STATE

Central Maine Power Co.  
P.O. Box 847810  
Boston, MA 02284-7810

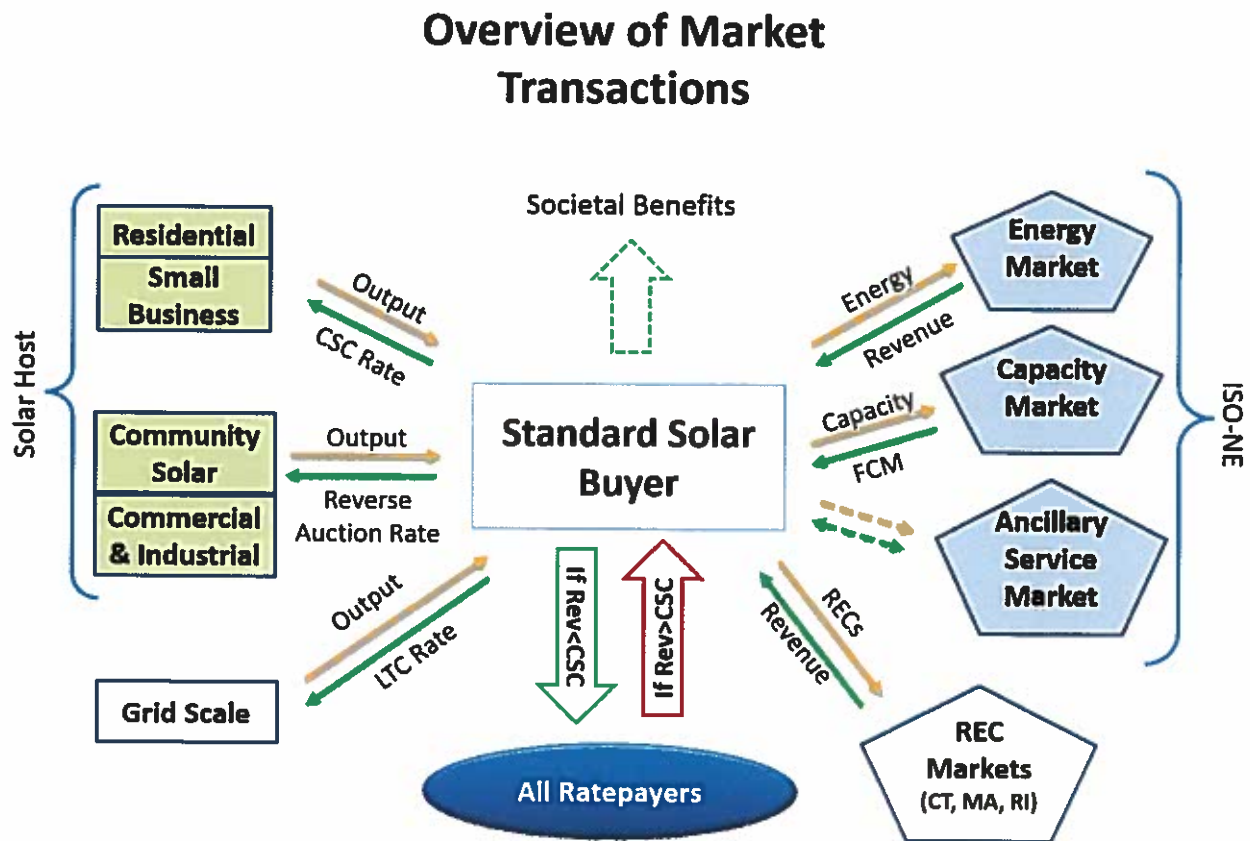
Your CMP account number:  
**211-000-0000-001**

Please pay this amount:  
**\$49.97**  
before 10/04/14 so you  
can avoid late charges

Please write  
amount paid:  
\$ \_\_\_\_\_  
Thank you!

Please do not write below this line

Figure 9. Market Overview



## 5. Conclusion

This whitepaper proposes an alternative (not a replacement) to the existing net-metering program that supports the installation of additional solar while prioritizing ratepayer benefits and encouraging fairness, transparency, and market principles. Moreover, it proposes the opening of a new market segment, wholesale DG, which can deliver nearly the same benefits of rooftop solar but with significant discounts in cost. The policy vision presented here seeks to strike a balance between diverse stakeholder interests with a unique focus on producing benefits for all of Maine's ratepayers.

While many details will need to be defined, it is our hope that all parties can agree on the general goal of maximizing benefits while mitigating costs, and that this common guiding principle can foster further dialogue on strategic and sustainable solar deployment in Maine. Rather than simply adopt the policy conventions of other states, Maine can establish a policy tailored to its specific needs, goals, and market structure. Maine can build on the innovative, collaborative work in its Value of Solar Study to be the first restructured market to adopt a value of solar based compensation structure. It can also be one of the first states to aggregate DG resources to the benefit of all ratepayers. This approach also supports building a sustainable solar industry while benefiting all ratepayers. Finally, Maine can both recognize the value and benefits that distributed solar provides, while not necessarily paying for each and every



value. Instead, ratepayers can and should obtain these values at the lowest price possible, while still maintaining resource diversity and customer sited options. For this concept specifically, Maine can show a path forward that balances cost-based resource acquisition with value-based compensation in a way that is efficient, transparent, and fair.



# Appendix

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## Lessons learned: California

In 2007, California launched the California Solar Initiative (“CSI”) with the goal of installing 1,940 megawatts (MW) of solar in the three IOU service territories by the end of 2016 and transition the industry to a point where it can thrive without state subsidies. As of the April, 2015 the program has incentivized 1,893 MW of solar, nearly reaching its statutory goal 1.5 years ahead of schedule. The program is ratepayer funded and incentivizes residential and non-residential system between 1 kW and 1,000 kW and is widely regarded as one of the most successful solar incentive programs in the world. It has a unique structure that has allowed it to avoid the boom-bust cycles of other incentive programs that have cooled off or disappeared after feed-in tariffs were retroactively rolled back, incentive programs changed, or renewable energy credit markets collapsed. As the CSI program draws to a close, the market is not cooling off – developers are installing projects in record numbers.

Much of the success of the CSI program can be attributed to its capacity-based declinations in incentive levels. As installed capacity targets are reached, incentive levels drop down accordingly. Under this approach, instead of relying on legislators or having funding allocated based on calendar year or some other arbitrary time frame, the market dictates incentive levels. In addition, competition prevents developers from artificially increasing their rates in order to capture a portion of the incentive –virtually all of it gets passed through to the customer.<sup>9</sup>

The CSI pays solar customers through two types of incentives, (1) Expected Performance-Based Buydown (“EPBB”) and (2) a Performance-Based Incentive (“PBI”). The EPBB is an upfront incentive available only for systems <50 kW and is paid on a \$/W basis. The PBI is applied to systems >50 kW and pays customers based on actual measured performance of over 5 years. The incentive is paid on a fixed dollar per kilowatt-hour (\$/kWh) of generation.

Figure A-1 highlights how CSI incentives step down as capacity increases. Once the capacity for a given step (shown in yellow) is reached, the program simply transitions to the next step and incentives shift accordingly. With every sequential step, the capacity has a larger. Systems for government or non-profit customers are on a separate track.

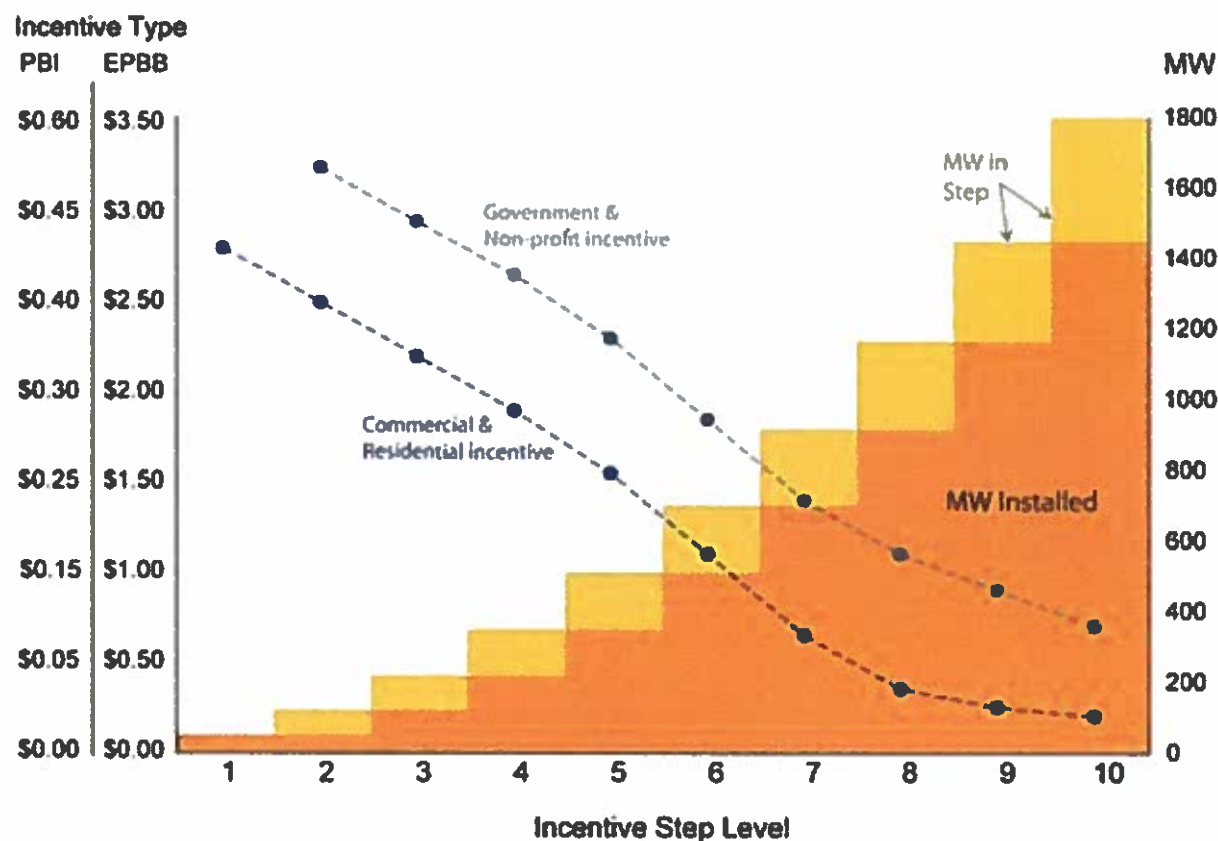
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<sup>9</sup> Dong, C.G.; Wiser, R.; Rai, V. 2014. Incentive Pass-through for Residential Solar Systems in California. Berkeley, CA: Lawrence Berkeley National Laboratory. <http://emp.lbl.gov/sites/all/files/lbnl-6927e.pdf>





Figure A-1. The CSI Capacity-based Incentive Step Down



PBI: Performance Based Incentive, paid over 5 years, in \$ / kWh  
EPBB: Expected Performance Based Buydown, paid upfront, in \$ / W

## Lessons learned: Minnesota

In March, 2014, Minnesota became the first state in the nation to approve a Value of Solar tariff. The legislation allowed the utilities to voluntarily implement the policy - in lieu of the existing net metering program. Below are key characteristics of MN VOS policy<sup>10,11</sup>:

- **Size limitations:** <1MW (and limited to 120% of the customer's load)
- **Compensation decoupled from retail electricity price:** The customer is billed for total electricity usage at the retail rate. Their bill is credited at the VOS rate based on their solar system's production.
- **Value:**

<sup>10</sup> Minnesota Value of Solar: Methodology. Minnesota Department of Commerce, Division of Energy Resources. April, 2014. <http://mn.gov/commerce/energy/images/DRAFT-MN-VOS-Methodology-111913.pdf>

<sup>11</sup> Cory, Karlynn. Minnesota Values Solar Generation with New "Value of Solar" Tariff. October 3, 2014. NREL (blog). [https://www.nrel.gov/tech\\_deployment/state\\_local\\_governments/blog/vos-series\\_minnesota](https://www.nrel.gov/tech_deployment/state_local_governments/blog/vos-series_minnesota)



- The VOS is expressed as the levelized value over 25 year, expressed in \$/kWh.
- Reflects values to the utility, its customers, and to society.
- VOS rate is updated annually, using transparent inputs and calculations.
- **Tariff:** Intended to reflect the displacement of existing values - it is not an incentive.

The VOS rate, established by the MN Department of Commerce, is currently higher than retail electricity costs. Therefore, no MN utility has adopted the policy. However, as retail prices increase – or as the VOS decreases - and ultimately eclipses the VOS rate, it is likely that the utilities will opt to apply to the MN Public Utilities Commission to enact the VOS in the place of net metering. By establishing a transparent market price, the VOS addresses concerns about having non-solar customers subsidizing solar customers. It remains to be seen, however, whether the VOS is compatible with 3<sup>rd</sup> party business models.

## Lessons Learned: Arizona

In 2012 the Arizona Corporation Commission instated a quarterly trigger decline mechanism for residential PV incentives. This was in response to boom and bust cycles of incentives that hurt the industry and led to ratepayers over paying for incentives. Perhaps the most intricate of any state step down, the exact amount of the incentive decline related to how soon a capacity target was reached. This produced a gradual step down sensitive to panel prices and financial innovation.

**Figure A-2. Rules for Arizona’s Quarterly Declination Mechanism**

<b>Date of Trigger</b>	<b>Reservations to Activate Trigger</b>	<b>Rules for Incentive Reductions</b>
On or before March 31, 2012	25%	If the trigger is activated there will be a \$0.15/Watt incentive decline.
On or before June 30, 2012	50%	If the trigger is activated within 30 days of the last trigger activation there will be a \$0.20/Watt incentive decline, 31-60 days a \$0.10/Watt incentive decline, over 60 days a \$0.05/Watt incentive decline.
On or before September 30, 2012	75%	If the trigger is activated within 30 days of the last trigger activation there will be a \$0.20/Watt incentive decline, 31-60 days a \$0.10/Watt incentive decline, over 60 days a \$0.05/Watt incentive decline.
On or before November 1, 2012	90%	If the existing incentive is greater than \$0.35 per Watt, the incentive will reduce to \$0.20 per Watt. If the existing incentive is less than or equal to \$0.35 the incentive will decline to \$0.10 per Watt.





Due to this structure, 2012 saw a record year for residential installs in Arizona compared to years past. The rooftop solar industry was able to scale and ratepayers saved money. This set the stage for the industry to move off of direct incentives the following year. NREL in a report on “value of solar tariffs” stated the following:

“It is only within the last two years that solar in portions of certain states (e.g., Hawaii, California, and Arizona) has moved from pre-economic to grid-competitive, allowing for the reduction or elimination of state and utility incentives while still maintaining high solar growth rates. Utilities in those three states account for 65% of the national distributed solar market capacity in MW (Makhyoun et al. 2014).”<sup>12</sup>

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<sup>12</sup> “Value of Solar: Program Design and Implementation Considerations” National Renewable Energy Laboratory (NREL) <http://www.nrel.gov/docs/fy15osti/62361.pdf>

**EXECUTIVE SESSION STATUTES**

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS:	1 M.R.S.A. § 405(6)(A)
SCHOOL STUDENT SUSPENSIONS/EXPULSIONS:	1 M.R.S.A. § 405(6)(B)
REAL ESTATE; ECONOMIC DEVELOPMENT:	1 M.R.S.A. § 405(6)(C)
LABOR CONTRACTS/NEGOTIATIONS:	1 M.R.S.A. § 405(6)(D)
ATTORNEY-CLIENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(E)
CONFIDENTIAL RECORDS:	1 M.R.S.A. § 405(6)(F)
EMPLOYMENT EXAMINATIONS:	1 M.R.S.A. § 405(6)(G)
CODE ENFORCEMENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(H)